

PUBLIC NOTICE:

Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). If no sheet is available, ask to be recognized by the Mayor at the beginning of that agenda item. Citizen Communication items are asked to be two minutes or less. Longer matters can be set for a future Agenda by contacting either the Mayor or the City Manager.

Times noted are estimated; it is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. Business agenda items can be heard in any order after 7:30 p.m.

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

A G E N D A
TIGARD CITY COUNCIL MEETING
MARCH 22, 2005

6:30 PM

- STUDY SESSION

- > Review of FY 2005-06 Community Event Funding Requests
 - Interim Finance Director Imdieke
 - > Update: Family Day
 - Assistant to the City Manager Newton
 - > Update: Citizen Leadership Series
 - Assistant to the City Manager Newton
 - > Discuss Structure, Adoption Process, Governance Issues – Urban Renewal
 - Community Development Director Hendryx
- EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

7:30 PM

- 1. BUSINESS MEETING

- 1.1 Call to Order - City Council & Local Contract Review Board
- 1.2 Roll Call
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports
- 1.5 Call to Council and Staff for Non-Agenda Items

- 2. ACKNOWLEDGE SUSAN KOEPPING FOR SERVICE TO THE CITY OF TIGARD

- a. Staff Report: Assistant to the City Manager
- b. Council Discussion
- c. Council Consideration: Resolution No. 05-_____

3. CITIZEN COMMUNICATION (Two Minutes or Less, Please)

- Follow-up to Previous Citizen Communication

4. CONSENT AGENDA: These items are considered to be routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:

- 4.1 Approve Council Minutes for February 8, 2005
- 4.2 Appoint Brian Davies to the Park and Recreation Advisory Board and Appoint Trisha Swanson as the Alternate to that Board – Resolution No. 05-_____
- 4.3 Approve Tigard Library Policies as Recommended by the Tigard Library Board
- 4.4 Approve Interim City Manager Contract
- 4.5 Relinquish Public Sewer Easements at Tigard Market Place
- 4.6 Local Contract Review Board: Award Contract for City-Wide Janitorial Services to Wellspring Services

- *Consent Agenda - Items Removed for Separate Discussion: Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council has voted on those items which do not need discussion.*

5. RECOGNITION OF NORTHWEST MEDICAL TEAMS FOR TSUNAMI RELIEF IN SOUTHEAST ASIA

- Staff Presentation: Assistant to the City Manager Newton

6. REPORT ON INDONESIAN RESOURCE CITIES EXCHANGE

- a. Staff Report: Public Works Director Koellermeier
- b. Council Discussion

7. UPDATE AND DISCUSSION ON NATURAL RESOURCES PROTECTION PROGRAM AND GOAL 5

- a. Staff Report: Community Development Director Hendryx
- b. Council Discussion

8. ANNUAL REVIEW OF THE COMMUNITY ASSESSMENT (CAP) PROGRAM
 - a. Staff Report: Assistant to the City Manager Newton
 - b. Council Discussion

9. UPDATE – DIRECTION ON REVISED CITY LOGO
 - a. Staff Report: Assistant to the City Manager Newton
 - b. Council Discussion

10. COUNCIL LIAISON REPORTS

11. NON AGENDA ITEMS

12. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

13. ADJOURNMENT

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Study
AGENDA ITEM # Session
FOR AGENDA OF March 22, 2005

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Study Session: Review of FY 2005-06 Community Event Funding Requests

PREPARED BY: Tom Imdieke DEPT HEAD OK [Signature] CITY MGR OK cl

ISSUE BEFORE THE COUNCIL

Review applications for Community Event Grants and give preliminary direction as to which grants should be included in the FY 2005-06 Budget.

STAFF RECOMMENDATION

Review grant requests and give preliminary direction on applications to be funded.

INFORMATION SUMMARY

Each year, the City solicits applications from community organizations for grants for the following fiscal year. The City has received seven formal applications by the February 5 deadline. The Festival of Balloons Application was received on March 8, 2005. An application has not been received yet from the Afalati Recreation District. Staff is expecting to receive this shortly.

The total funding requested is \$44,900 in direct contributions. This includes an assumed request of \$5,000 from Afalati Recreation District. An additional \$92,700 is provided as in-kind support by the Public Works Department. This does not include any in-kind support that might be provided by the Police Department. According to the funding policy of the Budget Committee set in prior years, \$45,300 is available for these grants.

On December 18, 2001, Council approved three resolutions guaranteeing base funding to three sponsored community events – Festival of Balloons, Broadway Rose, and Tigard 4th of July. Together the guaranteed funding for these three events is \$27,500. After removing the guaranteed funding requests, a total of \$17,800 remains to be distributed amongst the six other applicants. The total requested from these applicants is \$17,400. Any unallocated community event grant funds can either be reserved for the General Fund, or could be used for additional Social Service Grant funding. However, the amount remaining of \$400 is not really a significant amount to fund a realistic proposal.

Staff is requesting that the Mayor and Council review the event requests and give recommendations on which requests should receive full, partial or no funding. The final funding decision will be made at the Budget Committee meetings in May.

OTHER ALTERNATIVES CONSIDERED

This is a preliminary review only. Final funding decisions and exploration of alternatives will be made at the Budget Committee hearings in May.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

Summary chart of Community Event Grant requests.

8 Community Event Grant Applications (Does not include an application for Afalati Recreation District).

FISCAL NOTES

Requests for total direct contributions are \$44,900. Requests will be funded from the FY 2005-06 General Fund budget.

City of Tigard
FY 2005-06
Community Event Grant Requests

Target (based on proportional share of policy set-aside) = 45,300

Agency	FY 2001-02	FY 2002-03	FY 2003-04	FY 2004-05	FY 2005-06	
	Actual	Actual	Actual	Budget	Requested	Recommended
Art Resources of Tigard (ART)						
Direct	\$0	\$3,750	\$0	\$0	\$0	
In-Kind*					0	
Afalati Recreation District/Tigard Recreation Assoc.						
Direct	0	0	5,000	5,000	5,000	
In-Kind*				46,000	46,000	
Broadway Rose						
Direct	10,000	10,000	10,000	10,000	10,000	
In-Kind*				600	0	
City of Tigard Dog Park						
Direct	0	0	400	450	400	
In-Kind*				13,000	13,000	
Festival of the Balloons						
Direct	10,000	0	10,000	10,000	10,000	
In-Kind*				54,528	30,500	
Tigard 40th Birthday						
Direct	1,953	0	0	0	0	
In-Kind*					0	
Tigard Blast						
Direct	5,000	5,000	5,000	5,000	5,000	
In-Kind*				3,223	1,100	
Tigard 4th of July						
Direct	7,500	7,500	7,500	7,500	7,500	
In-Kind*				7,404	1,600	
Tigard High Graduation Ceremony						
Direct	500	750	1,000	2,000	2,000	
In-Kind*					0	
Tualatin Riverkeepers						
Direct	2,000	2,000	2,000	2,500	3,000	
In-Kind*				500	500	
Tualatin Valley Community Band						
Direct	1,850	1,850	1,850	2,000	2,000	
In-Kind*					0	
Total						
Direct	\$38,803	\$30,850	\$42,750	\$44,450	\$44,900	\$0
In-Kind*	\$0	\$0	\$0	\$125,255	\$92,700	\$0

* Public Works only.



REC'D/TIN JAN 24 2005

January 21, 2005

Board of Directors

Susie Bell
IKON

Diana Burke
Bank of the West

Larry Cartier
Wellpartner

David Cutz
Paragon Tile & Stone

Lisa Francolini, L.Ac.
RiverWest Acupuncture Clinic

Jackson Lewis
Tonkin Top, LLP

Rorie Leone
Washington Trust

Bill Monahan
City of Tigard

William L. Nothstine
Washington Mutual

Harvey Platt
Platt Electric Supply

Dan Yates
Portland Spirit

Craig Prosser, Finance Director
City of Tigard
13125 SW Hall Blvd.
Tigard, OR 97223

Dear Craig,

I'd like to thank the City of Tigard again for its generous support of The Broadway Rose. We had a fantastic season in 2004 and are gearing up for another great year. All of our programs are expanding and we are thrilled to be able to offer further affordable cultural opportunities to the Tigard community each year. We could not succeed without the support from the City of Tigard.

Enclosed is a 2005 Community Events Funding Request. If you have any questions regarding this application, please don't hesitate to call me at 503-603-9862. Thank you for your consideration of this application.

Sincerely,

Sharon Maroney
Artistic Director

CITY OF TIGARD, OREGON

13125 SW HALL BLVD.

TIGARD, OREGON 97223

503-639-4171

FY 2005-06

COMMUNITY EVENTS FUNDING REQUEST

Due: February 5, 2005

Event Name: The Broadway Rose Theatre Company

Address: PO Box 231004

City, State, Zip: Tigard, OR 97281

Contact Name: Sharon Maroney

Telephone Number: 503-603-9862

E-mail address: brtcsn@aol.com

1. Request (express in whole dollar amounts only)

Cash \$10,000

In-Kind Services (use of City property, City staff support,
etc. Please explain the services requested on a separate sheet) \$0.00

Total Request \$10,000

2. Purpose of Funding Request:

The Broadway Rose Theatre Company requests funding from the City of Tigard in order to continue to provide Tigard residents with high quality, professional theatre at an affordable price. The Broadway Rose is entering its 14th summer season at the Deb Fennell Auditorium in Tigard. We will produce five shows in eight performing weeks, July 1- August 21, 2005. Our three fully produced musicals will be the Broadway hit, *Chicago*, followed by the musical comedy, *Nunsense*, and concluding with a heartwarming musical revue, *The Melody Lingers On: The Songs of Irving Berlin*. Our summer schedule also includes two children's shows and three youth drama camps. In addition to our summer season, we will continue to produce a winter holiday show, spring cabaret series and a fall play reading series.

In 2004, we experienced a 9% growth in season ticket sales, which continues our trend of growth. The City of Tigard's support each year is vital to our continued success. When we approach new foundations and are able to say, The Broadway Rose is a Tigard City Sponsored event, it sends a strong message about community support.

The Broadway Rose is gaining a national reputation for high artistic quality, helping us to attract ever stronger performers. This past season we hired four artists with Broadway credits. Our

student internship program continues to thrive and is becoming extremely competitive as more and more students seek out this opportunity to have a worthwhile summer job which trains them for careers in theater. Last year we heard positive feedback from our student interns including:

"Whether it was trying to dance along while running the spotlight or singing along to every word, I've never smiled so big. Working with and being surrounded by people who are so passionate, open minded, and kind, I could almost call the Deb Fennel Auditorium my home. Despite all the lost sleep and sore bones, I would do it again in a heartbeat."

- Alex Davidson, High School Spotlight Operator

"It is so much fun to work here. I get to work with real professionals, some from New York, and I get to be a part of some really high quality entertainment. I am amazed each day by what we are able to pull off and the little tricks of the trade that I am going to be able to take with me as I try to continue on and make a career out of the theatre."

- Mike Chapman, High School Sound Board Operator

3. How will this event benefit the Tigard Community?

We are good for the local economy. A recent survey of our audience showed that close to 50% of our audience dines out before or after our shows. We employ over 80 people each summer. We hire local high school students and teach these teens about teamwork, discipline and creativity.

This year we are continuing an outreach program in which we bring live theater to the elementary school children of the Tigard/Tualatin school district at not cost to the children and minimal cost to the district. We see this as a way to build future audiences and give back to the community.

4. How many Tigard residents do you anticipate participating in this event (or these events)?

The Broadway Rose Theatre is one of the largest arts organizations in Washington County. Our projected attendance for 2005 is 20,000. Through our surveys and databases we have determined that Tigard residents make up 25% of our audience base. We enjoy offering live entertainment to Tigard residents and providing an opportunity for people from the greater Portland area to come out to Tigard to enjoy cultural events. We also have season ticket holders from as far away as Longview, Washington, Salem and Boring, Oregon. We help put Tigard on the map. Our largest audience base is from the City of Tigard.

For three years The Broadway Rose has offered the City of Tigard significantly discounted tickets so that the city can thank its volunteers by purchasing tickets for a Broadway Rose production and holding a thank you reception at the theater before the show.

5. Please submit the following information with this request:

- a. Detailed budget, including FY 2003-03 actual expenditures, FY 2003-04 Adopted Budget, and FY 2004-05 Proposed Budget. The Budget should identify beginning and ending balances, major revenue sources, major expenditure categories, and number of authorized positions. **
- b. Audit report or financial statements for the last fiscal year.**
- c. Articles of Incorporation.*
- d. 501(c)(3) status.*
- e. Organization Bylaws*

Broadway Rose Theatre Company - 2005

Board approved 2005 Budget

Income

Annual Boat Event Income	40,000.00
Camp Income	9,700.00
Concession Income	3,121.00
Corportate Income	55,500.00
Entertainment/Royalty	400.00
Grants	42,550.00
Individual Donations	47,000.00
Program Advertising Income	5,500.00
Raffle Income	2,330.00
Shipping & Handling Income	108.00
Souvenir Sales	1,142.00
Ticket Sales	295,000.00

Total Income \$ 502,351.00

In-kind

Administrative Expense	85,656.18	37,000
Artistic Programing	252,000.00	
Bank Service Charges	13,000.00	
Boat Expenses	2,500.00	
Camp Counselors	2,650.00	
Company Amenities	2,200.00	
Concession Expense	1,690.00	
Development	6,015.26	15,000
Insurance	22,030.00	
Internet Expense	1,055.00	
Janitorial	90.00	
Marketing Expense	40,000.00	3,000
Office Supplies	2,528.50	
Organizational Dues	4,245.00	
Payroll Taxes	45,000.00	
Postage and Delivery	2,200.00	
Professional Fees	1,000.00	
Raffle Expense	50.00	
Rental Expense	390.00	25,000
Souviner Expense	1,000.00	
Staff Education	638.00	
Telephone	4,320.00	
Travel	1,944.30	
Utilities	720.00	
Prudent Reserve	19,428.76	

Total Expenses \$ 512,351.00 \$ 80,000.00

Amount Requested The City of Tigard \$10,000.00

1:29 PM
01/11/05
Cash Basis

Broadway Rose Theatre Company

Profit & Loss

January through December 2004

Income		
Annual Boat Event Income	22,721.00	
Camp Income	9,675.00	
Class Income	1,210.00	
Concession Income	3,071.00	
Corporatate Income	75,491.36	
Entertainment/Royalty Income	406.38	
Grants	65,323.86	
Individual Donations	42,424.78	
Miscellaneous Income	300.00	
Program Advertising Income	4,390.00	
Raffle Income	2,107.00	
Rental Income	50.00	
Shipping & Handling Income	270.00	
Souvenir Sales	1,638.40	
Ticket Sales	279,635.05	
Total Income	508,713.83	
Expense		
Administrative Expense	81,493.73	In-Kind 37,000.00
Artistic Programing	239,492.03	
Bank Service Charges	11,697.92	
Boat Expenses	1,804.59	
Camp Counselors	2,650.00	
Class Expense	214.95	
Company Amenities	2,119.09	
Concession Expense	1,686.30	
Development	5,563.66	15,000.00
Insurance	18,499.00	
Interest Expense	110.32	
Internet Expense	1,055.70	
Janitorial	90.00	
Marketing Expense	36,155.91	3,000.00
Office Supplies	5,531.49	
Organizational Dues & Expenses	4,245.79	
Payroll Taxes	44,409.17	
Postage and Delivery	2,099.09	
Professional Fees	6,371.25	
Publication Subscriptions	161.00	
Raffle Expense	6.68	
Rental Expense	4,361.00	25,000.00
Souviner Expense	695.35	
Staff Education	569.75	
Telephone	6,226.92	
Travel & Ent	891.20	
Prudent Reserve	20,000.00	
Utilities	711.44	
Total Expense	498,913.33	80,000.00
Net Ordinary Income	9,800.50	
Other Income/Expense		
Other Income		
Interest Income	228.06	
Total Other Income	228.06	
Net Other Income	228.06	
Net Income	10,028.56	

Broadway Rose Theatre Company**Profit Loss****ACTUALS****January through December 2003****Ordinary Income/Expense**
Income

Annual Boat Event Income	6,414.50
Camp Income	7,090.75
Concession Income	2,846.00
Corporate Income	42,370.00
Entertainment Income	400.00
Grants	90,100.00
Individual Donations	33,312.48
Program Advertising Income	720.00
Raffle Income	2,330.00
Shipping & Handling Income	8.00
Souvenir Sales	1,142.00
Ticket Sales	222,683.67

Total Income 409,417.40**Expense**

Administrative Expense	83,726.96
Bank Service Charges	4,924.02
Boat Expenses	455.57
Camp Counselors	2,450.00
Company Amenities	1,561.41
Concession Expense	1,611.67
Development	6,015.26
Entertainment Income Wages	390.00
Insurance	16,566.65
Internet Expense	3,241.80
Marketing Expense	43,718.99
Miscellaneous	50.00
Office Supplies	6,759.50
Organizational Dues & Expenses	4,572.75
Payroll Taxes	42,977.69
Postage and Delivery	1,975.83
Professional Fees	4,960.00
Program Expense - Artistic Expenses	215,782.83
Rental Expense	4,323.00
Repairs & Maintenance	390.00
Souvenir Expense	1,046.18
Staff Education	638.00
Telephone	4,811.68
Travel & Ent	3,392.91
Utilities	229.24

Total Expense 456,571.94**Net Ordinary Income** -47,154.54**Other Income/Expense****Interest Income** 561.06**Total Other Income** 561.06**Other Expense****Other Expenses** 441.00**Total Other Expense** 441.00**Net Other Income** 120.06**Net Income** -47,034.48

CITY OF TIGARD, OREGON
13125 SW HALL BLVD.
TIGARD, OREGON 97223
503-691-4141

FY 2005-06
COMMUNITY EVENTS FUNDING REQUEST
Due: February 5, 2005

Event Name: City of Tigard Dog Park Community Events

Address: 11689 SW Wilton Avenue

City, State, Zip: Tigard, OR 97223

Contact Name: Julie Wittmann

Telephone Number: 503-590-4997

1. **Request** (expenses in whole dollar amounts only)

Cash	\$ 400
In-kind services	\$ 0
Total Request	\$ 400

2. **Purpose of Funding Request:**

Off-leash dog parks are an important aspect in the scope of what our city offers its residents. The response to our programs in the 2004-2005 fiscal year continues to increase year after year. The funding we are requesting allows the off-leash dog parks to continue to provide the residents with safe areas where dogs and owners can play and socialize. The Committee's activities include events to raise awareness about the dog parks and owner responsibilities, as well as written information on canine education. We have developed and distributed educational material about canine behavior, children in the dog parks, responsible owner behavior at the dog parks, and other dog park related information. The educational material has been well received by park users and shared with other dog parks in the greater Portland area. We continue to serve as a model for other cities who are considering the addition of dog parks into their communities.

Dog Days of Tigard: This is a celebration of the off-leash dog parks established by the City of Tigard. The 2005 event will also be used to dedicate a memorial bench for the late Mayor Griffith, through fundraising during 2004. We strive to raise more funds for more canopies to provide shade and weather protection as well as improved methods for dispensing needed water in the dog parks. Requested funds are for: printing of fliers and posters, decorations, refreshments, basic dog obedience training and education. \$150

Tigard Blast: Participation in the Tigard Blast parade. Requested funds are for: printing of fliers and posters, balloons and bandanas, dog treats. \$35

Halloween Dog Party: Requested funds are for: printing of fliers and posters, decorations, refreshments, prizes. \$125

Educational Material Posted and distributed: (examples enclosed)

Canine 105: Continuing Educational information; proposed topic "Exercise and Play with Your Dog". Funds requested for printing of fliers, posters, and handouts. \$30

Canine 106: Continuing Educational information; proposed topic "Dog Park Etiquette". Funds requested for printing of fliers, posters, and handouts. \$30

Canine 107: Continuing Educational information; topic to be determined from list of eight pertinent topics. Funds requested for printing of fliers, posters, and handouts. \$30

3. **How will this event benefit the Tigard Community?:**

Off-leash dog parks provide dogs and their owners with designated space for exercise and socializing. They also promote responsible pet ownership. The parks allow dogs adequate space to run, jump, fetch, and play without creating conflicts with other park users. Funds raised at the events not only go into improving and promoting use of the dog parks and education, they also go to other community projects, i.e. purchasing a Library Brick in 2004.

4. **How many residents do you anticipate participating in this event (or these events)?**

Participation at actual events runs between 30-75 residents per event. Educational material reaches 150+ per series in distributed fliers alone. The material is also posted throughout the dog parks so the total number of residents who additionally read the fliers without taking a copy is significantly higher but difficult to measure.

5. **Requested additional information:**

a.

Fiscal Year 03-04 (as of January 25, 2005)

Revenues (Contributions to the Dog Park Trust Account) \$1079.43
Expenditures by Parks Department from Trust \$ (99.99)
Expenditures by Tigard Dog Park Committee from Trust \$ (1233.53)
Revenues (City Grant Funds) \$400.00
Expenditures by Tigard Dog Park Committee from Grant \$(399.78)

Expenditures by in-kind donations from committee \$(251.00)

Fiscal Year 04-05 (as of January 25, 2005)

Revenues (Contributions to the Dog Park Trust Account) \$1139.37
Expenditures by Parks Department from Trust \$ (0)
Expenditures by Tigard Dog Park Committee from Trust \$ (186.04)
Expected Expenditures by Committee for balance of fiscal 2005 \$ (840)
Revenues (City Grant Funds) \$450.00
Expenditures by Tigard Dog Park Committee from Grant \$(342.71)
Expected Expenditures by Committee for balance of fiscal 2005 \$ (118)

Expenditures by in-kind donations from committee \$(287.00)

Fiscal Year 05-06 Proposed Budget

Revenues (Contributions to the Dog Park Trust Account) ~\$1000
Expenditures \$ 1500

- a. **Audit report or financial statement for last fiscal year:** see attached from Roger Dawes, Senior Accountant, City of Tigard Finance Department
- b. **Articles of Incorporation:** None
- c. **501 (C) (3) status:** None

General Ledger

Detailed Trial Balance

User: amanda
 Printed: 01/07/2005 - 3:11
 Period 7 to 12, 2004



Account Number	Description	Budget	Beginning Balance	Debit This Period	Credit This Period	Ending Balance
100	GENERAL FUND					
LIABILITIES						
100-0000-229079	Dog Park Social Service Grant					
01/28/2004 GL 07	000291 Correction per Chris Garsteck to proper account			22.24	0.00	
01/28/2004 GL 07	000291 Correction per Chris Garsteck to proper account			83.83	0.00	
01/28/2004 GL 07	000291 Correction per Chris Garsteck to proper account			16.29	0.00	
01/28/2004 GL 07	000291 Correction per Chris Garsteck to proper account			19.99	0.00	
05/06/2004 AP 11	000066 Julie Wittmann			10.95	0.00	
	Tigard Dog Park Expenses					
	100-0000-229079 Totals:		(153.52)	153.30	0.00	(0.22)
	100-0000 LIABILITIES Totals:		(153.52)	153.30	0.00	(0.22)
	LIABILITIES Totals:		(153.52)	153.30	0.00	(0.22)
	100 Totals:	0.00	(153.52)	153.30	0.00	(0.22)
	Report Totals:	0.00	(153.52)	153.30	0.00	(0.22)

General Ledger

Detailed Trial Balance

User: amanda
 Printed: 01/07/2005 - 3:11
 Period 1 to 6, 2005



Account Number	Description	Budget	Beginning Balance	Debit This Period	Credit This Period	Ending Balance
100	GENERAL FUND					
LIABILITIES						
100-0000-229079	Dog Park Social Service Grant					
07/02/2004 GL 01	000041 COT- Dog Parks/Arts & Events FY 04-05			0.00	450.00	
08/05/2004 AP 02	000049 Julie Wittmann	Ck# 33313		19.90	0.00	
	Dog Park Items					
08/25/2004 AP 02	000334 Chris Garsteck	Ck# 33578		114.01	0.00	
	Dog Park Expenses					
08/25/2004 AP 02	000334 Julie Wittmann	Ck# 33637		17.53	0.00	
	Dog Park Expenses					
08/31/2004 AP 02	000427 Don Osmanski	Ck# 33702		11.98	0.00	
	Dog Park Expense					
08/31/2004 AP 02	000427 Julie Wittmann	Ck# 33736		28.00	0.00	
	Dog Park Expense					
11/02/2004 AP 05	000021 Tim Boman	Ck# 34595		11.98	0.00	
	Dog Park Expense					
11/02/2004 AP 05	000021 Chris Garsteck	Ck# 34622		45.58	0.00	
	Dog Park Expenses					
12/15/2004 AP 06	000190 Gillian Austin	Ck# 35155		86.73	0.00	
	Dog Park Expenses					
12/15/2004 AP 06	000190 Hannah Webb	Ck# 35272		7.00	0.00	
	Dog Park Expense					
	100-0000-229079 Totals:		(0.22)	342.71	450.00	(107.51)
	100-0000 LIABILITIES Totals:		(0.22)	342.71	450.00	(107.51)
	LIABILITIES Totals:		(0.22)	342.71	450.00	(107.51)
	100 Totals:	0.00	(0.22)	342.71	450.00	(107.51)

Account Number	Description	Budget	Beginning Balance	Debit This Period	Credit This Period	Ending Balance
	Report Totals:	0.00	(0.22)	342.71	450.00	(107.51)

General Ledger

Detailed Trial Balance

User: amanda
 Printed: 01/07/2005 - 3:12
 Period 1 to 6, 2005



Account Number	Description	Budget	Beginning Balance	Debit This Period	Credit This Period	Ending Balance
100	GENERAL FUND					
LIABILITIES						
100-0000-229081	Dog Parks Trust Account					
07/15/2004 CR 01	000213 Cash Receipts Batch 415.07.2004			0.00	310.36	
07/29/2004 CR 01	000395 Cash Receipts Batch 429.07.2004			0.00	160.00	
08/05/2004 AP 02	000049 Julie Wittmann Ck# 33313			21.75	0.00	
	Dog Park Items					
08/06/2004 CR 02	000091 Cash Receipts Batch 406.08.2004			0.00	82.34	
08/25/2004 AP 02	000334 Julie Wittmann Ck# 33637			21.75	0.00	
	Dog Park Expenses					
08/31/2004 AP 02	000427 Julie Wittmann Ck# 33736			19.70	0.00	
	Dog Park Expense					
09/07/2004 CR 03	000079 Cash Receipts Batch 307.09.2004			0.00	9.40	
09/08/2004 CR 03	000102 Cash Receipts Batch 408.09.2004			0.00	81.49	
09/23/2004 CR 03	000331 Cash Receipts Batch 423.09.2004			0.00	100.00	
10/13/2004 CR 04	000160 Cash Receipts Batch 413.10.2004			0.00	85.69	
11/03/2004 CR 05	000045 Cash Receipts Batch 004.11.2004			0.00	10.00	
11/09/2004 CR 05	000128 Cash Receipts Batch 409.11.2004			0.00	257.00	
11/12/2004 CR 05	000164 Cash Receipts Batch 412.11.2004			0.00	43.09	
12/15/2004 AP 06	000190 Chris Garsteck Ck# 35195			122.84	0.00	
	Dog Park Expenses					
	100-0000-229081 Totals:		(399.47)	186.04	1,139.37	(1,352.80)
	100-0000 LIABILITIES Totals:		(399.47)	186.04	1,139.37	(1,352.80)
	LIABILITIES Totals:		(399.47)	186.04	1,139.37	(1,352.80)

Account Number	Description	Budget	Beginning Balance	Debit This Period	Credit This Period	Ending Balance
	100 Totals:	0.00	(399.47)	186.04	1,139.37	(1,352.80)
	Report Totals:	0.00	(399.47)	186.04	1,139.37	(1,352.80)

General Ledger

Detailed Trial Balance

User: roger
 Printed: 06/14/2004 - 9:46
 Period 9 to 12, 2004



Account Number	Description	Budget	Beginning Balance	Debit This Period	Credit This Period	Ending Balance
100	GENERAL FUND					
LIABILITIES						
100-0000-229081	Dog Parks Trust Account					
03/30/2004AP 09	000404 JULIE WITTMANN	Ck# 31204		32.58	0.00	
	Dog Park Supplies					
04/01/2004CR 10	000011 Cash Receipts Batch 401.04.2004			0.00	2.00	
04/26/2004CR 10	000355 Cash Receipts Batch 426.04.2004			0.00	155.18	
05/06/2004AP 11	000066 CHRIS GARSTECK	Ck# 31780		90.00	0.00	
	Flyers					
05/06/2004AP 11	000066 JULIE WITTMANN	Ck# 31829		23.94	0.00	
	Tigard Dog Park Expenses					
05/13/2004AP 11	000166 CHRIS GARSTECK	Ck# 31889		50.00	0.00	
	Dog Park Exp-Library Brick Campaign					
05/31/2004GL 11	000406 Big K-Mart/Canopy for Dog Park - R. Bel			99.99	0.00	
06/09/2004AP 12	000113 CHRIS GARSTECK	Ck# 32269		92.71	0.00	
	Dog Park Supplies					
	100-0000-229081 Totals:		(703.07)	389.22	157.18	(471.03)
	100-0000 LIABILITIES Totals:		(703.07)	389.22	157.18	(471.03)
	LIABILITIES Totals:		(703.07)	389.22	157.18	(471.03)
	100 Totals:	0.00	(703.07)	389.22	157.18	(471.03)

Account Number	Description	Budget	Beginning Balance	Debit This Period	Credit This Period	Ending Balance
	Report Totals:	0.00	(703.07)	389.22	157.18	(471.03)

General Ledger

Detailed Trial Balance

User: amanda
 Printed: 01/21/2004 - 8:10
 Period 1 to 7, 2004



Account Number	Description	Budget	Beginning Balance	Debit This Period	Credit This Period	Ending Balance	
100	GENERAL FUND						
LIABILITIES							
100-0000-229079	Dog Park Social Service Grant						
07/10/2003 GL 01	000132 Dog Park money transfer			0.00	400.00		
07/11/2003 AP 01	000153 DON OSMANSKI Dog Park Expense	Ck# 27465		6.50	0.00		
07/24/2003 AP 01	000350 DON OSMANSKI Tigard Dog Park	Ck# 27669		50.00	0.00		
07/24/2003 AP 01	000350 JULIE WITTMANN Tigard Dog Park	Ck# 27701		94.90	0.00		
10/09/2003 AP 04	000116 JULIE WITTMANN Tigard Dog Parks	Ck# 28846		16.00	0.00		
11/06/2003 AP 05	000057 CHRIS GARSTECK Tigard Dog Park	Ck# 29283		66.47	0.00		
11/06/2003 AP 05	000057 JULIE WITTMANN Tigard Dog Park	Ck# 29330		12.61	0.00		
100-0000-229079 Totals:			0.00	246.48	400.00	(153.52)	
100-0000 LIABILITIES Totals:			0.00	246.48	400.00	(153.52)	
LIABILITIES Totals:			0.00	246.48	400.00	(153.52)	
100 Totals:			0.00	0.00	246.48	400.00	(153.52)

Account Number	Description	Budget	Beginning Balance	Debit This Period	Credit This Period	Ending Balance
	Report Totals:	0.00	0.00	246.48	400.00	(153.52)

CITY OF TIGARD, OREGON
13125 SW HALL BLVD.
TIGARD, OREGON 97223
503-639-4171

**FY 2005-06
COMMUNITY EVENTS FUNDING REQUEST**

Due: February 5, 2005

Event Name:	<u>Cruisin' the Tigard Blast</u>	
Address:	<u>Tigard Central Business District Association, Inc.,</u> <u>12420 S.W. Main Street</u>	
City, State, Zip:	<u>Tigard, Oregon 97223</u>	
Contact Name:	<u>Tyler Ellenson</u>	<u>Mike Marr</u>
Telephone Number:	<u>503-639-5588</u>	<u>503-624-2975</u>
E-mail address:	<u>tyler@tylersautomotive.com</u>	<u>mikemarr@gte.net</u>

1. **Request** (express in whole dollar amounts only)

Cash	\$5,000.00
In-Kind Services (use of City property, City staff support, etc. Please explain the services requested on a separate sheet)	\$
Total Request	\$5,000.00
2. **Purpose of Funding Request:**
See letter attached
3. **How will this event benefit the Tigard Community?**
4. **How many Tigard residents do you anticipate participating in this event (or these events)?**
5. **Please submit the following information with this request:**
 - a. Detailed budget, including FY 2003-03 actual expenditures, FY 2003-04 Adopted Budget, and FY 2004-05 Proposed Budget. The Budget should identify beginning and ending balances, major revenue sources, major expenditure categories, and number of authorized positions. **
 - b. Audit report or financial statements for the last fiscal year.**

Tigard Central Business Association, Inc.

**A Not for Profit Corporation
FIN 93-1268974**

(503) 624-2975
First Bank of Tigard Building
12420 S. W. Main Street
Tigard, Oregon 97223

February 4, 2005

Mr. Craig Prosser
Finance Director
City of Tigard
13125 S.W. Hall Blvd.
Tigard, Oregon 97223

Dear Craig,

The Board of Directors of Tigard Central Business District Association, Inc., a Not for Profit Corporation, submit this letter with enclosures our Funding Request for the Fiscal Year 2005 - 2006.

To the criteria for funding, we submit the following comments:

- (1) The Tigard Blast celebration is primarily for Tigard area residents
- (2) This event is open to all citizens
- (3) We stress a family oriented type of celebration on this annual event, with effort to provide quality entertainment and activities
- (4) With four annual events successfully accomplished by this organization, we feel that the event has proven to be valuable to the community, and very affordable for the city and the citizens attending
- (5) As with item (4), the Board of Directors feel that our success for four years, and the records we have kept, demonstrate an ability to reach our goals and keep within reasonable budget commitments
- (6) Financial Statements are prepared and submitted.

Craig Prosser
City of Tigard
February 4, 2005
Page 2

(7) The Funding Request per our previous agreements with the City of Tigard are based upon the encouragement our of other sources of revenue.

We hope you find the information contained herein to be adequate for the City's budgeting purposes. We also hope you look District forward to enjoying each year's event as much as we look forward to putting it on.

Last year, the City of Tigard approved an award of \$ 5,000.00 for the 2004/2005 fiscal year. For the fiscal year 2005/2006, the Board of Directors of Tigard Central Business District Association, Inc. requests \$ 5,000.00 in contribution from the City of Tigard. This is the same as was approved last year and we find it to be an adequate amount to ensure the success and continuation of the Tigard Blast celebration.

With regards to City in-kind contributions, we have identified the following impacted areas:

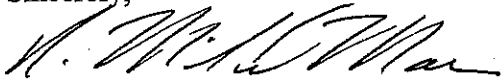
Public Works - estimated costs have not been determined

Police Department - The Police Department is advised of the event and incurs cost for what primarily is traffic control after the event. Officers are present during the event more for public relations than for any policing requirements. We support the Officers presence, making some very important contacts with the citizens and youth in particular.

Administration - estimated costs have not been determined

Should have questions about any of the above, please contact me for assistance.

Sincerely,



R. Michael Marr
Treasurer

RMM/dbm

Enclosures

CC: Board Members

TIGARD CENTRAL BUSINESS DISTRICT ASSOCIATION
STATEMENT OF ASSETS, LIABILITIES, & FUND BALANCES
 Unaudited - Accrual Method

December 31, 2004

SUMMARY

Account Number		MTD December	YTD Current
ASSETS			
1450101	Cash - Petty Cash For Deposit	0.00	0.00
1450111	Cash - General Checking BofA	(104.89)	1,229.44
1450112	Cash - General Checking Other	0.00	0.00
	Prepaid Expenses & Deferred Charges		
1470111	Accounts Receivable - Other	0.00	5,000.00
1520101	Inventory	131.50	2,057.50
1530101	Prepaid Expenses Ann. Corp. Registr.		0.00
1530102	Prepaid Expenses Insurance	(17.91)	179.10
1530151	Deferred Charges	0.00	0.00
1570111	Equipment, Operations	276.63	9,043.46
1570121	Equipment, Office		0.00
1570161	Equipment, Operations Accum. Depreciation	(122.95)	(5,977.62)
1570171	Equipment, Office Accum. Depreciation		0.00
	Other Assets		
1580101	Other Assets Organization Costs		150.00
1580151	Other Assets Organization Costs - Amortization	0.00	(150.00)
	TOTAL ASSETS	162.38	11,531.88
LIABILITIES			
Accounts Payable & Accrued Expenses			
2600101	Acc Pay General	(21.84)	(109.40)
2600111	Acc Pay Payroll Net		0.00
2600112	Acc Pay Payroll FICA		0.00
2600113	Acc Pay Payroll FITW		0.00
2600114	Acc Pay Payroll SITW		0.00
2600115	Acc Pay Payroll W/Comp		0.00
2600122	Acc Pay Payroll FICA Employer		0.00
2600123	Acc Pay Payroll FUTA Employer		0.00
2600124	Acc Pay Payroll SUTA Employer		0.00
2600125	Acc Pay Payroll W/Comp Employer		0.00
2600126	Acc Pay Payroll TriMet Employer		0.00
2600127	Acc Pay Payroll Other		0.00
	Liabilities - Other		
2650101	Liabilities - Other Deferred Revenue	200.00	0.00
	TOTAL LIABILITIES	178.16	(109.40)
FUND BALANCES			
2670101	Funds - Unrestricted		31,507.30
	Funds - Restricted		
	Paid-in or Capital Surplus		
2710101	Capital - Paid In Prior City of Tigard		(42,574.39)
2710102	Capital - Paid In Current City of Tigard	0.00	0.00
	Retained Earnings, Endowments, Accumulated Income, Other Funds		
2720101	Retained Earnings Prior		0.00
2720102	Retained Earnings Current (Gain) Loss	(340.54)	(355.39)
2720131	Other Funds		0.00
	TOTAL FUND BALANCES	(340.54)	(11,422.48)

TIGARD CENTRAL BUSINESS DISTRICT ASSOCIATION

December 31, 2004

STATEMENT OF REVENUE & EXPENSE

SUMMARY

Unaudited - Accrual Method

100.00%

Account Number	Annual Budget	MTD December	YTD Current	YTD % Budget
Revenue Summary				
Contributions, Gifts, Grants, Etc.	0.00	0.00	0.00	
Program Service Revenue	0.00	0.00	0.00	
Membership Dues / Assessments	0.00	0.00	(250.50)	
Interest - Savings / Investments	0.00	0.00	0.00	
Rental Income / Loss	0.00	0.00	0.00	
Investment Income - Other	0.00	0.00	0.00	
Special Events / Activities	0.00	(512.24)	(2,328.91)	
Sales of Inventory	0.00	0.00	0.00	
Revenue - Other	0.00	0.00	0.00	
TOTAL REVENUE	0.00	(512.24)	(2,579.41)	
Expenditures Summary				
Program Services	0.00	0.00	0.00	
Management & General				
5140126 Salaries & Wages	0.00		0.00	
5140129 Payroll Taxes	0.00		0.00	
5140130 Professional Fundraising Fees	0.00		0.00	
5140131 Accounting Services Paychex	0.00		0.00	
5140132 Legal Fees	0.00		0.00	
5140133 Supplies Admin	0.00		0.00	
5140134 Telephone	0.00	21.84	293.22	
5140135 Postage & Shipping, P. O. Box Rental	0.00	0.00	38.00	
5140136 Occupancy	0.00		0.00	
5140137 Equipment Rental & Maintenance	0.00	0.00	0.00	
5140138 Printing & Publication	0.00		0.00	
5140139 Travel	0.00		0.00	
Conferences, Conventions, Meetings				
5140140 Conf. Meetings	0.00	0.00	30.00	
5140140 Conf. Training	0.00		0.00	
5140142 Depreciation Expense - Equipment	0.00	122.95	1,475.40	
5140143 Other Bank Service	0.00	9.00	54.00	
5140144 Other Insurance (W/Comp)	0.00		0.00	
5140145 Other Contract Services (ODDA)	0.00		0.00	
5140146 Other Insurance (Liability)	0.00	17.91	208.40	
5140159 Other Special Events	0.00		0.00	
Other Committee				
5140161 Other	0.00		0.00	
5140191 Other Amortization Expense - Org. Costs	0.00	0.00	25.00	
5140192 Other Amortize Corporate Registration	0.00	0.00	50.00	
5140199 Other Deferred Debits	0.00	0.00	50.00	
TOTAL EXPENDITURES -				
MANAGEMENT & GENERAL	0.00	171.70	2,224.02	
Fund Raising	0.00	0.00	0.00	
Paid to Affiliates	0.00	0.00	0.00	
TOTAL EXPENDITURE	0.00	171.70	2,224.02	
NET CHANGE TO FUND BALANCE (GAIN) LOSS	0.00	(340.54)	(355.39)	

CITY OF TIGARD, OREGON
13125 SW HALL BLVD.
TIGARD, OREGON 97223
503-639-4171

FY 2005-06
COMMUNITY EVENTS FUNDING REQUEST

Due: February 5, 2005

Event Name: Tigard 4th of July Celebration
Address: Tigard 4th of July, Inc., 12420 S.W. Main Street
City, State, Zip: Tigard, Oregon 97223
Contact Name: Mike Marr
Telephone Number: 503-624-2975
E-mail address: mikemarr@gte.net

1. **Request** (express in whole dollar amounts only)

Cash		\$,500.00
In-Kind Services (use of City property, City staff support, etc. Please explain the services requested on a separate sheet)	~	\$,600.00
Total Request	~	\$,9,100.00

2. **Purpose of Funding Request:**

See letter attached

3. **How will this event benefit the Tigard Community?**

4. **How many Tigard residents do you anticipate participating in this event (or these events)?**

5. **Please submit the following information with this request:**

- Detailed budget, including FY 2003-03 actual expenditures, FY 2003-04 Adopted Budget, and FY 2004-05 Proposed Budget. The Budget should identify beginning and ending balances, major revenue sources, major expenditure categories, and number of authorized positions. **
- Audit report or financial statements for the last fiscal year.**

Tigard 4th of July, Inc.
A Not for Profit Corporation
FIN 93-1031978

(503) 624-2975
First Bank of Tigard Building
12420 S. W. Main Street
Tigard, Oregon 97223

February 4, 2005

Mr. Craig Prosser
Finance Director
City of Tigard
13125 S.W. Hall Blvd.
Tigard, Oregon 97223

Dear Craig,

The Board of Directors of Tigard 4th of July, Inc., a Non Profit Corporation, submit this letter with enclosures as our Funding Request for the Fiscal Year 2005 - 2006.

To the criteria for funding, we submit the following comments:

- (1) The Tigard Old Fashioned 4th of July Celebration is primarily for Tigard area residents; we do not advertise outside of the area.
- (2) This event is open to all citizens, with the only restrictions being no alcoholic beverages, no smoking, and no personal fireworks.
- (3) We stress a family oriented type of celebration on this annual event, with effort to provide quality entertainment, a family/community style picnic atmosphere, and public opportunity to participate at no cost (unless they should desire to purchase snacks at very reasonable prices, the proceeds going toward the subsequent year's event).
- (4) With eighteen annual events successfully accomplished (first was in 1987), we feel that the event has proven to be valuable to the community, and very affordable for the city and the citizens attending.
- (5) As with item (4), the Board of Directors feel that our success for eighteen years, and the records we have kept, demonstrate an ability to reach our goals and keep within reasonable budget commitments.
- (6) Financial Statements are annually prepared and submitted.

Craig Prosser
City of Tigard
February 4, 2005
Page 2

(7) The Funding Request per our previous agreements with the City of Tigard are based upon the encouragement of other sources of revenue.

We hope you find the information contained herein to be adequate for the City's budgeting purposes. We also hope you look forward to enjoying each year's event as much as we look forward to putting it on.

Last year, the City of Tigard approved an award of \$ 7,500.00 for the 2004/2005 fiscal year. We will be seeking some or all of the \$ 7,500.00 in June of 2005. For the fiscal year 2005/2006, the Board of Directors of Tigard 4th of July, Inc. requests \$ 7,500.00 in contribution from the City of Tigard. This is the same as was approved last year and we find it to be an adequate amount to ensure the success and continuation of the 4th of July Celebration.

With regards to City in-kind contributions, we have identified the following impacted areas:

Public Works - If the City Public Works personnel prepare the fireworks firing trench; I have been previously advised that the estimated cost is \$ 400 (1999 \$ subject to indexed adjustment).

Police Department - The Police Department is advised of the event and incurs an estimated \$ 1,200 (1999 \$ subject to indexed adjustment) of cost for what primarily is traffic control after the event. Officers are present during the event more for public relations than for any policing requirements. We support the Officers presence, making some very important contacts with the citizens and youth in particular.

Administration - Insurance for the event previously was accomplished by a rider to the City's existing policy. Loreen Mills advised that there was no additional charge for this rider. Tigard 4th of July, Inc. purchased liability insurance from the fireworks supplier for the 2004 event.

Should have questions about any of the above, please contact me for assistance.

Sincerely,


R. Michael Marr

Treasurer
RMM/dbm

Enclosures

CC: Board Members

TIGARD 4TH OF JULY, INC.

Statement of Assets, Liabilities, & Fund Balance (Unaudited) December 31, 2004

		Current 12 Mo. Period	Year To Date
1000 ASSETS			
1450	Cash - Non Interest Bearing		
1451	Petty Cash	(252.50)	45.68
1452	General Checking Account	(1,721.85)	312.52
1460	Savings & Temp. Investments		
1461	Savings	0.00	0.00
1470	Accounts Receivable		
1471	Accounts Receivable	0.00	0.00
1476	(Uncollectable Allowance)	0.00	0.00
1480	Pledges Receivable		
1481	Pledges Receivable	0.00	0.00
1486	(Uncollectable Allowance)	0.00	0.00
1490	Grants Receivable		
1491	Grants Receivable	0.00	0.00
1500	Receivables from Related Parties		
1501	Receivables from Directors	0.00	0.00
1510	Other Receivables		
1511	Notes Receivable	0.00	0.00
1516	(Uncollectable Allowance)	0.00	0.00
1520	Inventories For Sale or Use		
1521	Inventories For Sale or Use	0.00	0.00
1530	Prepaid Expenses / Deferred Charges		
1531	Prepaid Expenses	0.00	0.00
1540	Investments - Securities		
1550	Investments - Assets		
1560	Investments - Other		
1570	Equipment		
1571	Equipment	0.00	0.00
1576	(Accumulated Depreciation)	0.00	0.00
1580	Other Assets		
	TOTAL ASSETS	(1,974.35)	358.20
2000 LIABILITIES			
2600	Accounts Payable & Accrued Exp		
2601	Accounts Payable	0.00	0.00
2610	Grants Payable		
2611	Grants Payable	0.00	0.00
2620	Revenue Designated (Future Per.)		
2621	Revenue Designated	0.00	0.00
2630	Loans from Related Parties		
2631	Loans from Directors	0.00	0.00
2640	Mortgages/Notes Payable		
2641	Notes Payable	0.00	0.00
2650	Other Liabilities		
2651	Other Liabilities	0.00	0.00
	Total Liabilities	0.00	0.00

Statement of Assets, Liabilities, & Fund Balance (Unaudited) December 31, 2004

		Current 12 Mo. Period	Year To Date
3000	FUND BALANCES		
3670	Current Funds		
3671	Unrestricted Funds	0.00	0.00
3676	Restricted Funds	0.00	0.00
3680	Equipment Fund		
3690	Endowment Fund		
3700	Other Fund		
3710	Capital Stock or Trust Principal		
3711	Capital Stock	0.00	0.00
3720	Paid In or Capital Surplus		
3730	Retained Earnings / Accumulated Income		
3731	Retained Earnings > 01/01/2004	0.00	(2,332.55)
3732	Current Earnings > 12/31/2004	1,974.35	1,974.35
	Total Fund Balance	1,974.35	(358.20)
	TOTAL LIABILITIES & FUND BALANCE	1,974.35	(358.20)
		0.00	0.00

Footnote: Excess Ice Cream Bars and Popsicles donated to DARE Summer Camp

Footnote:

Footnote:

TIGARD 4TH OF JULY, INC.
Statement of Revenue & Expense (Unaudited)
December 31, 2004

	Current 12 Mo. Period	Year To Date
4000 INCOME		
4010 Contributions, Gifts, Grants		
4011 Direct Public Support	(1,484.24)	(1,484.24)
4012 Indirect Public Support	0.00	0.00
4013 Government Grants	(8,600.00)	(8,600.00)
4020 Program Service Revenue		
4030 Membership Dues / Assessments		
4040 Interest Earnings		
4050 Dividends / Interest on Securities		
4060 Net Rental Income		
4061 Gross Rents	0.00	0.00
4066 Rental Expenses	0.00	0.00
4070 Other Investment Income		
4080 Gain / Loss from Sale of Assets		
4081 Gross Sale Amount	0.00	0.00
4086 Cost / Expense	0.00	0.00
4090 Fundraising Events		
4091 Gross Revenues	0.00	0.00
4096 Direct Expenses	0.00	0.00
4100 Gross Profit from Sales		
4101 Gross Sales Less Returns	(1,075.77)	(1,075.77)
4106 Cost of Goods Sold	791.36	791.36
4107 Cost of Goods Sold	0.00	0.00
4108 Cost of Goods Sold	95.00	95.00
4110 Other Revenue		
Total Revenue	(10,273.65)	(10,273.65)
6000 EXPENSES		
6130 Program Service Expenses		
6131 Tigard 4th Celebration	12,171.00	12,171.00
6140 Management & General Expenses		
6141 Bank Service Charges	27.00	27.00
6142 Miscellaneous	50.00	50.00
6150 Fundraising Expenses		
6151 Miscellaneous	0.00	0.00
6160 Payments to Affiliates		
Total Expense	12,248.00	12,248.00
(Excess) or Deficit	1,974.35	1,974.35

Tigard Graduation Celebration Committee

P.O. Box 23664
Tigard, OR 97223

February 1, 2005

Craig Prosser
Finance Director
City of Tigard
13125 SW Hall Blvd.
Tigard, OR 97223

Dear Mr. Prosser,

Thank you for the opportunity to apply for a grant from the City of Tigard.

We understand the current situation you are faced with, having limited funding for these grants and we appreciate being considered.

We too have faced the effects of tight fiscal times. We have seen donations from both parents of all four classes at the high school and local businesses decrease in the past few years. We are currently planning three fundraisers and have already completed one so far this year. In the past we could usually get by with only one or two additional fundraisers.

The wonderful thing about living in Tigard is the feeling of community. The high school is a part of that community and we appreciate both Tigard businesses and the City of Tigard itself supporting our Grad Night Celebration.

Our group of parent volunteers is committed to keeping as many as our graduates as possible safe on this night of celebration. We try to put on a party that they will find memorable and secure. This in turn probably leaves Tigard safer that night also.

Again, thank you for your support in the past and for the opportunity to apply again. Please let me know if you need any additional information or have any questions. Thank you for your consideration.

Sincerely,

Shari Balcom
Treasurer
503-590-4649

CITY OF TIGARD, OREGON

13125 SW HALL BLVD.

TIGARD, OREGON 97223

503-639-4171

FY 2005-06

COMMUNITY EVENTS FUNDING REQUEST

Due: February 5, 2005

Event Name: Tigard High School Graduation Celebration

Address: P.O. Box 23664

City, State, Zip: Tigard, OR 97224

Contact Name: Shari Balcom

Telephone Number: 503-590-4649

E-mail address: sabathome@comcast.net

1. **Request** (express in whole dollar amounts only)

Cash \$ 2,000.00

In-Kind Services (use of City property, City staff support,
etc. Please explain the services requested on a separate sheet) \$

Total Request \$ 2,000.00

2. **Purpose of Funding Request:**

To help fund our Graduation Night drug and alcohol free celebration. Our goal is to put on a party that is fun and attractive in order to have as many of our graduates attend as possible. Graduation night is a night of increased risk for these seniors so we want to provide them with a memorable party but one that is safe and secure. We try to keep the cost of tickets to the event down in order to allow as many students to attend as possible.

3. **How will this event benefit the Tigard Community?**

By providing this celebration for our graduates we keep 300-400 students in a safe environment. We also keep them off the streets, prevent loud parties and reduce the risk to Tigard residents of danger with the sometimes risky behavior of teenagers. It should reduce the workload of the police during that night. It also is a wonderful way to reward these students for graduating from high school.

4. **How many Tigard residents do you anticipate participating in this event (or these events)?**

We usually have around 80% of our graduating class attend and the class of 2005 is appx. 500 students. We also have a large group of parent volunteers at the event.

5. **Please submit the following information with this request:**

- a. Detailed budget, including FY 2003-03 actual expenditures, FY 2003-04 Adopted Budget, and FY 2004-05 Proposed Budget. The Budget should identify beginning and ending balances, major revenue sources, major expenditure categories, and number of authorized positions. **
- b. Audit report or financial statements for the last fiscal year.**

-
- c. **Articles of Incorporation.***
 - d. **501(c)(3) status.***
 - e. **Organization Bylaws***

* Information not required if it has been submitted at least once in the last five years.

** Lack of adequate financial information could result in denial of request.

An electronic version of this application is available by contacting Maureen Denny at maureen@ci.figard.or.us

Tigard High Grad Night 2003

Treasurers Report

Starting Balance \$1,337.92

Income

50/50	1,564.50
Who Song & Larrys Fundraiser	76.21
Commercial Donations	2,630.00
Grants	1,000.00
Ticket Sales	11,360.00
Interest	2.54
Parent Donations	1,215.00
Pampered Chef Fundraiser	2,030.50
TSO Auction	<u>10,250.00</u>
Total Income	30,128.75

Expenses

Cameras	1,194.00
Sign for sponserers	220.00
Bus Drivers Gifts	132.00
Printing	8.00
Insurance	250.00
TSO Auction Expenses	214.33
Pampered Chef Expenses	207.15
Site	20,654.00
Postage/PO Box	534.20
Publicity/Thank you ad	395.52
Entertainment/Activities	751.80
Cleaning Deposit (non refundable)	250.00
Bank Charges	34.25
Accounting	175.00
Prizes	<u>2,087.60</u>
Total Expenses	27,107.85

**Ending Balance 6-30-2004
statement**

\$4813.82 bank

Outstanding checks from above expenses of \$455.00 which makes check book balance as of 6-30-2004 of \$4358.82

2005 Grad Night Treasurer's Report January 4, 2005

	2005 Actual Budget	2005 Proposed Budget	2004 Actual Income
<u>Income</u>			
50/50	\$ 1,372.50	\$ 1,500.00	\$ 1,564.50
COMMERCIAL DONATIONS		\$ 2,000.00	\$ 2,110.00
TSO FUNCTION			\$ 10,035.67
INTEREST	\$ 1.73	\$ 5.00	\$ 3.53
PARENT DONATIONS	\$ 35.00	\$ 1,200.00	\$ 1,217.00
GRAD NIGHT FUNDRAISERS	\$ 629.40	\$ 4,040.00	\$ 1,813.59
GRANTS ETC.	\$ 2,000.00	\$ 2,000.00	\$ 1,000.00
TICKET SALES		\$ 11,000.00	\$ 11,415.00
Other Income			\$ 2,500.00
Starting Balance	\$ 6,228.05	\$ 6,228.05	
TOTAL INCOME	\$ 10,266.68	\$ 27,973.05	\$ 31,659.29
<u>EXPENSES</u>			
BUSES			
CAMERAS	\$ 894.00	\$ 894.00	\$ 1,194.00
DECORATIONS/SET UP		\$ 400.00	
ENTERTAINMENT/ACTIVITIES		\$ 750.00	\$ 751.80
FOOD		\$ 150.00	
INSURANCE		\$ 250.00	\$ 250.00
MISC. (BUS DRIVER GIFTS)		\$ 150.00	\$ 193.84
POSTAGE/PO BOX		\$ 550.00	\$ 534.20
PRIZES		\$ 3,000.00	\$ 2,087.60
PRINTING/LETTERHEAD			
PUBLICITY/THANK YOU AD		\$ 500.00	\$ 494.40
CLEANING DEPOSIT		\$ 250.00	\$ 250.00
SECURITY DEPOSIT		\$ 750.00	
SITES	\$ 500.00	\$ 20,154.00	\$ 20,154.00
DISCRETIONARY	\$ 175.00	\$ 175.00	\$ 175.00
Bank Charges			\$ 34.25
TOTAL EXPENSES	\$ 1,569.00	\$ 27,973.00	\$ 26,119.09

Bank Balance as of 1-4-2005 \$8697.68



TUALATIN
Riverkeepers

16570 SW Roy Rogers Road
Sherwood, OR 97140
(503) 590-5813 • fax (503) 590-6702
info@tualatinriverkeepers.org

TRANSMITTAL

To: Craig Prosser, Finance Director
City of Tigard

From: Margot Fervia-Neamtzu

Phone: (503) 639-4171

Pages:

Fax:

Date: February 4, 2005

Re: 2005-2006 Grant Request

CC:

Comments:

Enclosed please find the following:

- FY 2005-2006 Community Events Funding Request
- Grant Proposal
- Tualatin Riverkeepers' Trips & Tours 2005 Schedule
- FY 2003-04 Adopted Budget & Actual Expenditures
- FY 2004-05 Proposed Budget
- Audit report FY 2003-2004

CITY OF TIGARD, OREGON
13125 SW HALL BLVD.
TIGARD, OREGON 97223
503-639-4171

FY 2005-06
COMMUNITY EVENTS FUNDING REQUEST

Event Name: Tualatin Riverkeepers' Trips & Tours 2005 Season

Address: 16507 SW Roy Rogers Road

City, State, Zip: Sherwood, OR 97140

Contact Name: Sue Marshall

Telephone Number: (503) 590-5813

1. **Request (express in whole dollar amounts only)**

Cash	\$ 3,000
In-Kind Services (use of City property, City staff support, etc. Please explain the services requested on a separate sheet)	\$ 500
Total Request	\$ 3,500

2. **Purpose of Funding Request:**

Funding will support the Tualatin Riverkeepers' 2005 Trips & Tours Season (over 20 paddle trips). This program provides local recreational opportunities that engage participants in environmental education, connects the community to local natural resources, and fosters watershed stewardship.

3. **How will this event benefit the Tigard Community?**

This season we will expand activities to include a bi-lingual paddle/picnic and environmental fair (Dia de Disfrute del Rio Tualatin, Day of Discover on the Tualatin River) and an early morning balloon lift off paddle in conjunction with Tigard's Annual Balloon Festival. Both of these events and an additional two paddle trips will be held at Cook Park.

Our events are open to the public and many of our participants and volunteers are Tigard residents. These experiential activities are a most effective way to promote environmental stewardship and awareness.

The 2005 paddling season includes the 16th Annual Tualatin River Discovery Day. An event that hosts over **240 participants** and involves the help of over **70 volunteers**, most from local communities.

4. How many Tigard residents do you anticipate participating in this event (or these events)?

~~We anticipate over 75 Latino families will participate in the bi-lingual paddle day~~
and approximately 400 individuals will participate in the paddling season as paddlers and volunteers. Based on previous year's involvement we project 25 % will be Tigard residents.

5. Please submit the following information with this request:

- a. Detailed budget, including FY 2003-04 actual expenditures, FY 2004-05 Adopted Budget, and FY 2005-06 Proposed Budget. The Budget should identify beginning and ending balances, major revenue sources, major expenditure categories, and number of authorized positions. ****
- b. Audit report or financial statements for the last fiscal year. ****
- c. Articles of Incorporation.***
- d. 501(c)(3) status.***
- e. Organization Bylaws***

* Information not required if it has been submitted at least once in the last five years.

** Lack of adequate financial information could result in denial of request.

Tualatin Riverkeepers' Trips & Tours Program

The Tualatin Riverkeepers' Trips & Tours Program is the "heart and soul" of our organization. Providing opportunity for the community to experience the river builds a connection that fosters involvement and stewardship.

This year, as in years past, we will host a number of events including over sixteen public canoe trips, a van tour of the Upper Tualatin River, at least five special audience outreach paddle trips, a trip leader training course, a series of birding classes, and free monthly nature hikes (highlighting locations in *Exploring the Tualatin River Basin - A Nature and Recreation Guide* by the Tualatin Riverkeepers). We attempt to offer something for everyone.

This season we will expand activities to include a bi-lingual paddle/picnic and environmental fair (Dia de Disfrute del Rio Tualatin, Day of Discover on the Tualatin River). Latino families who participate in our restoration education program will celebrate with a day of paddling, picnicking and engaging environmental activities. We are also excited to offer an early morning balloon lift off paddle in conjunction with Tigard's Annual Balloon Festival. Both of these events and an additional two paddle trips will be held at Cook Park.

We will continue our free monthly hikes this season, including a tour around Cook Park's wetlands where participants can enjoy a diversity of avian wildlife and a plethora of native flora. We look forward to continuing to host more events through Tigard city parks and natural areas.

Tualatin Riverkeepers will hold their 16th **Annual Tualatin River Discovery Day**, the largest paddling event held each year on the Tualatin River. We expect more than 120 canoes and kayaks carrying over 240 people to join us as we paddle through the Tualatin River National Wildlife Refuge. As this refuge is not yet open to the public, our Discovery Day event offers a rare opportunity of local residents to explore the refuge, one of only 10 urban refuges in the nation.

Educational opportunities in conjunction with Discovery Day include an environmental fair where local governmental agencies, community groups and volunteer organizations educate the community about their work. We also publish *Tualatin River Tales*, a historical and ecological guide about this reach of the Tualatin River.

This year, we are requesting \$3,500 from the City of Tigard for costs incurred from these events. Costs include: equipment rental and upkeep, traffic control, printing of *Tualatin River Tales*, commemorative t-shirts and posters, staffing for sign ups and volunteer recruitment and coordination. We are also requesting use of the Cook Park boat ramp, dock and restrooms for at least two paddle trips this season, which are included in an estimated value of \$500 for in-kind services throughout the year.

For the past five years, The Tualatin Riverkeepers have enjoyed the generous support of the City of Tigard for our Trips & Tours program. We look forward to a continuing cooperative and prosperous relationship with the City of Tigard.

Tualatin Riverkeepers' Trips & Tours 2005 Paddle Season



While Tualatin Riverkeepers (TRK) trips are open to all members and the general public, space is limited and reservations are required. There is a trip charge of \$5 per person for TRK members and \$10 for nonmembers. Canoes are available to members free of charge by reservation. Nonmembers may rent our canoes for our paddle trips for \$20. Alcohol is not permitted on trips or tours and personal flotation devices must be worn on paddle trips. TRK trips may be cancelled due to severe weather (lightning, flooding, ice, etc.), but will often take place in light rain. Please dress accordingly. All trip leaders are volunteers and are not compensated for the time and energy that they put in to making our Trips & Tours Program successful. Trips may be canceled if we are unable to recruit sufficient volunteer support to lead a safe and enjoyable trip. For more information or to register, please contact us at (503)590-5813 or info@tualatinriverkeepers.org.

April 23, Saturday. Springtime Paddle Trip (Intermediate)

Where: Brown's Ferry Park, Tualatin. Time: 11 am to 2 pm

May 14, Saturday. International Migratory Songbird Festival FREE Paddles (Beginner/Intermediate)

Where: Tualatin River National Wildlife Refuge, Sherwood. Times: 11 am & 2 pm

May 22, Sunday. Metro Paddle and Hike with Naturalist James Davis (Beginner/Intermediate)

Where: Munger Property, Scholls. Time: 10 am to 2 pm

June 4, Saturday. Blue Heron Week Celebration Paddle Trip (Intermediate/Advanced)

Where: Rood Bridge Park, Hillsboro to Eagle Landing, Scholls. Time: 10 am to 4 pm

June 11, Saturday. Metro Paddle and Hike with Naturalist James Davis (Beginner/Intermediate)

Where: Munger Property, Scholls. Time: 10 am to 2 pm

June 25, Saturday. **16th Annual Tualatin River Discovery Day**

Where: Tualatin River National Wildlife Refuge. Time: 9 am to 3 pm

July 10, Sunday. Summer Paddle Trip (Beginner)

Where: Cook Park, Tigard. Time: 9 am to noon

July 23, Saturday. Summer Paddle Trip (Beginner)

Where: Rivergrove Park, Lake Oswego. Time: 10 am to 1 pm

August 6, Saturday. Paddle & Picnic

Where: Field's Bridge & Tualatin River Nursery, West Linn. Time: 11 am to 2 pm

August 20, Saturday. Mid-Summer's Night Paddle Trip (Beginner)

Where: Tualatin Community Park, Tualatin. Time: 6 pm to 8 pm

September 10, Saturday. School's In! Summer Paddle Trip (Beginner)

Where: Cook Park, Tigard. Time: 11 am to 2 pm

September 24, Saturday. Upper Tualatin River Van Tour

Where: Upper Tualatin River areas. Time: 9 am to 5 pm

September 25, Sunday. Bye-bye, Summer Paddle Trip (Intermediate)

Where: 99W Bridge. Time: 10 am to 2 pm

October 1, Saturday. Fall Paddle Trip (Beginner)

Where: Tualatin Community Park, Tualatin. Time: 11 to 2 pm

October 15, Saturday. National Refuge Week - Paddles on the Refuge (Intermediate)

Where: Tualatin River National Wildlife Refuge, Sherwood. Time: 11 am & 2 pm

Dates and time subject to change. Please check our web-site for updates at www.tualatinriverkeepers.org.

**Tualatin Riverkeepers
2003-04 Budget**

Statement of Activities

	Watershed Watch	Restoration	Public Ed & Outreach	Organizational Development	General	Total
Revenue						
New Revenue						
Foundation Grants	24,000	16,500	15,000	3,000	-	58,500
Government Grants	-	10,000	6,000	-	-	16,000
Memberships - IND/ORG	-	-	-	34,000	-	34,000
Appeals/Major Gifts	-	-	-	15,000	-	15,000
Corporate Support	-	-	-	20,000	-	20,000
Events	-	-	-	35,000	-	35,000
ESO Workplace Giving	-	-	-	-	7,270	7,270
Contract Services/Trips	-	-	3,500	-	-	3,500
Sales of Materials	-	-	5,290	-	-	5,290
In-Kind Donations	-	-	-	-	6,000	6,000
Other	-	-	-	-	3,000	3,000
Interest	-	-	-	-	2,800	2,800
	<u>24,000</u>	<u>26,500</u>	<u>29,790</u>	<u>107,000</u>	<u>19,070</u>	<u>206,360</u>
Released Revenue						
Foundation Grants	26,252	15,000	-	70,000	-	111,252
Government Grants	-	106,668	-	-	-	106,668
	<u>26,252</u>	<u>121,668</u>	<u>-</u>	<u>70,000</u>	<u>-</u>	<u>217,920</u>
Total Revenue	<u>50,252</u>	<u>148,168</u>	<u>29,790</u>	<u>177,000</u>	<u>19,070</u>	<u>424,280</u>
Expenses						
Personnel						
Salaries	42,700	36,100	13,100	60,400	23,100	175,400
Taxes and Fringe Benefits	9,821	8,303	3,013	13,892	5,313	40,342
Americorps	2,500	2,500	-	-	-	5,000
	<u>55,021</u>	<u>46,903</u>	<u>16,113</u>	<u>74,292</u>	<u>28,413</u>	<u>220,742</u>
Operating						
Contract Services	-	80,000	-	-	-	80,000
Professional Services	1,745	1,345	2,145	17,145	7,445	29,825
Occupancy	1,200	1,200	1,200	1,200	1,200	6,000
Insurance	-	2,829	-	1,000	1,554	5,383
Telephone	816	816	816	816	1,200	4,464
Office Supplies	800	800	800	800	800	4,000
Postage	700	700	700	700	700	3,500
Printing	960	960	960	960	960	4,800
Production of Publications	4,000	500	500	-	-	5,000
Advertising	-	-	-	-	300	300
Dues	100	100	100	100	200	600
Member Outreach	-	-	-	500	-	500
Travel	511	511	511	511	511	2,555
Events	-	-	3,500	7,500	-	11,000
Conferences/Training	800	800	800	800	800	4,000
Meetings/Food & Beverages	-	-	-	1,000	-	1,000
Miscellaneous	-	-	-	-	2,000	2,000
Depreciation	-	800	2,000	-	999	3,799
	<u>11,632</u>	<u>91,361</u>	<u>14,032</u>	<u>33,032</u>	<u>18,669</u>	<u>168,726</u>
Total Expenses	<u>66,653</u>	<u>138,264</u>	<u>30,145</u>	<u>107,324</u>	<u>47,082</u>	<u>389,468</u>
Increase/(Decrease) in Net Assets	<u>(16,401)</u>	<u>9,904</u>	<u>(355)</u>	<u>69,676</u>	<u>(28,012)</u>	<u>34,812</u>

TUALATIN RIVERKEEPERS

Statements of Activities

For the Year Ended June 30, 2004

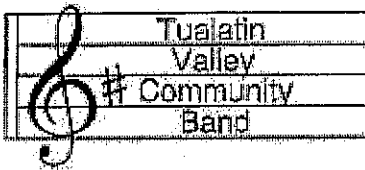
	<u>Unrestricted</u>	<u>Temporarily Restricted</u>	<u>Total</u>
Revenues and support:			
Grants and contracts	\$	\$ 328,598	\$ 328,598
Corporate support	9,472		9,472
Other public support	17,015		17,015
Membership	30,235		30,235
Special events	32,397		32,397
Member services	3,620		3,620
In-kind donations	6,000		6,000
Merchandise Sales	1,672		1,672
Interest	<u>1,121</u>		<u>1,121</u>
Total revenue	101,532	328,598	430,130
Satisfaction of restrictions	<u>278,928</u>	<u>(278,928)</u>	
Total revenues and support	<u>380,460</u>	<u>49,670</u>	<u>430,130</u>
Program expense			
Advocacy monitoring	67,218		67,218
Restoration	142,440		142,440
Public education and outreach	<u>97,339</u>		<u>97,339</u>
Total program expense	306,997		306,997
Management and general	28,219		28,219
Events	<u>50,582</u>		<u>50,582</u>
Total expense	<u>385,798</u>		<u>385,798</u>
Change in net assets	(5,338)	49,670	44,332
Beginning net assets	<u>5,411</u>	<u>112,204</u>	<u>117,615</u>
Net assets, end of year	<u>\$ 73</u>	<u>\$ 161,874</u>	<u>\$ 161,947</u>

See Accountants' Report and
Notes to Financial Statements

**Tualatin Riverkeepers
2004-05 Budget**

Statement of Activities

	Watershed Watch	Restoration	Public Ed & Outreach	Organizational Development	General	Total
Revenue						
New Revenue						
Foundation Grants	15,000	15,000	6,000	50,000	-	86,000
Government Grants	-	26,297	2,000	-	-	28,297
Memberships - IND/ORG	-	-	-	40,000	-	40,000
Appeals/Major Gifts	-	-	-	25,000	-	25,000
Corporate Support	-	-	-	20,000	-	20,000
Events	-	-	-	42,000	-	42,000
ESO Workplace Giving	-	-	-	7,000	-	7,000
Contract Services/Trips	-	2,000	3,500	-	-	5,500
Sales of Materials	-	-	2,016	-	-	2,016
In-Kind Donations	-	-	-	-	6,000	6,000
Other	-	-	-	-	500	500
Interest	-	-	-	-	300	300
	<u>15,000</u>	<u>43,297</u>	<u>13,516</u>	<u>184,000</u>	<u>6,800</u>	<u>262,613</u>
Released Revenue						
Foundation Grants	39,863	14,400	-	10,000	-	64,263
Government Grants	-	75,000	-	-	-	75,000
	<u>39,863</u>	<u>89,400</u>	<u>-</u>	<u>10,000</u>	<u>-</u>	<u>139,263</u>
Total Revenue	<u>54,863</u>	<u>132,697</u>	<u>13,516</u>	<u>194,000</u>	<u>6,800</u>	<u>401,876</u>
Expenses						
Personnel						
Salaries	42,210	31,105	49,045	38,890	16,000	177,250
Taxes and Fringe Benefits	9,708	7,154	11,280	8,945	3,680	40,768
Americorps	-	5,500	-	-	-	5,500
	<u>51,918</u>	<u>43,759</u>	<u>60,325</u>	<u>47,835</u>	<u>19,680</u>	<u>223,518</u>
Operating						
Contract Services	-	75,000	-	-	-	75,000
Professional Services	7,000	1,200	2,000	4,000	6,800	21,000
Occupancy	1,200	1,200	1,200	1,200	1,200	6,000
Insurance	-	2,829	1,600	-	1,554	5,983
Telephone	900	1,200	300	900	300	3,600
Office Supplies	800	800	800	1,200	800	4,400
Equipment purchases	-	-	-	1,600	-	1,600
Postage	700	700	700	700	700	3,500
Printing	960	960	1,160	960	960	5,000
Production of Publications	3,000	500	1,500	-	-	5,000
Subscriptions / Publications	200	200	-	200	-	600
Advertising	-	-	-	-	300	300
Dues	-	-	-	-	600	600
Member Outreach	-	-	-	-	-	-
Travel	511	511	511	511	511	2,555
Events	-	-	2,000	8,500	-	10,500
Conferences/Training	1,000	1,000	1,000	1,000	-	4,000
Meetings/Food & Beverages	400	400	400	400	-	1,600
Miscellaneous	200	200	200	200	400	1,200
Depreciation	332	792	1,597	332	-	3,053
	<u>17,203</u>	<u>87,492</u>	<u>14,968</u>	<u>23,703</u>	<u>14,125</u>	<u>157,491</u>
Total Expenses	<u>69,121</u>	<u>131,251</u>	<u>75,293</u>	<u>71,538</u>	<u>33,805</u>	<u>381,009</u>
Increase/(Decrease) in Net Assets	<u>(14,258)</u>	<u>1,446</u>	<u>(61,777)</u>	<u>122,462</u>	<u>(27,005)</u>	<u>20,868</u>



Tualatin Valley Community Band
P.O. Box 230773
Tigard, OR 97281-0773

February 2, 2005

REC'D/FILED FEB 08 2005

Mr. Craig Prosser
Finance Director
City of Tigard
13125 SW Hall Blvd.
Tigard, OR 97223

Dear Mr. Prosser,

I am pleased to submit our 2005 Community Event Funding Request to the City of Tigard. I believe the material provided is complete. If you have any questions about the content of this application, do not hesitate to contact me at 503-414-3058 or p.pasteris@verizon.net. I look forward to working with you and the City to continue our Band's tradition of serving the Tigard Community with quality musical performances and community services.

Sincerely,

Phil Pasteris
President, Tualatin Valley Community Band

Cc: Tualatin Valley Community Band Board of Directors, TVCB, P.O. Box
97281-0773, Tigard, OR

Tualatin Valley Community Band FY-2005 Community Event Funding Request

Event Name: Tualatin Valley Community Band - <http://www.tvcb.gen.or.us>
Address: P.O. Box 230773, Tigard, Oregon 97281-0773
Contacts: Phil Pasteris, Board President, 639-9740 (h), 414-3058 (w), p.pasteris@verizon.net
Steve Heuser, Music Director, 691-1446 (h), 691-9700 (w) steve.heuser@verizon.net

1. Request

Cash	\$2,000
In-kind Services	Use of the Scheckla-Bishop Structure for weekly rehearsals and free summer concerts.
Total Request	\$2,000

2. Purpose of Funding Request:

The primary purpose of our request is to support the costs associated with providing high quality and live music to the members of the Tigard community. The TVCB is requesting a grant of \$2,000 this year, the same amount as last year, in order to continue to perform public concerts in high quality facilities available in the Tigard community.

The Tualatin Valley Community Band (TVCB) is a State of Oregon recognized nonprofit organization with a three-fold mission (1) to provide high quality, live, public music performances for civic and educational functions, (2) to provide an opportunity for musicians of all ages and ethnic backgrounds to perform music, and (3) to foster music education by providing individual scholarships and donations to music education programs. TVCB was formed in 1989 and has been under the direction of Steve Heuser since 1991. TVCB has approximately 65 members, member ages ranging from teens to 70s.

The requested funds requested from the City of Tigard would be used as follows (see Adopted Budget for details):

- | | |
|---|----------------|
| • Tigard/Tualatin High School Auditorium rental,
2 free concerts @ \$600/concert | \$1,200 |
| • Music scores, funds matched by TVCB, approximately 6 music scores..... | \$350 |
| • Liability insurance to perform free public concerts in Tigard | \$450 |
| Total Request | \$2,000 |

3. How will this event benefit the Tigard Community?

TVCB provides Tigard with public concerts that raise the awareness of Arts in our community. TVCB also supports the Tigard-Tualatin school system by providing students a no-cost opportunity to participate and extend their training by participating in a musical organization during non-school hours. During 2004, the TVCB provided several free public events in the Tigard - Portland metropolitan area:

1. Oregon Adult Band Festival, Dallas, Oregon, March 13, 2004
2. Tigard 4th of July Celebration, Tigard High Football Stadium
3. Tigard Cook Park Summer Concert, July 24, 2004
4. TVCB Winter Concert, Tigard High School, December 12, 2004

**Tualatin Valley Community Band FY-2005
Community Event Funding Request**

- ~~5. Zoo Lights, Oregon Zoo, December 14, 2004~~
6. Caroling on the Commons, Tualatin Commons, December 19, 2004

The TVCB plans to expand its performance schedule in 2005, making use of new library facilities to schedule concerts. Our rehearsals are open to the public in Cook Park every Tuesday evening during the summer.

4. How Many Tigard residents do you anticipate participating in these events?

Several thousand Tigard residents attend the Fourth of July concert; several hundred attend each of our indoor concerts and our July Cook Park concerts. Our publicity committee works closely with the City of Tigard and all media outlets to publicize upcoming concerts. We are actively searching for opportunities to perform for school and city events.

**Tualatin Valley Community Band FY-2005
Community Event Funding Request**

5. Financial Information

5.a.1 FY-2004 Actual Expenditures

TVCB 2004 Income & Expense
2004/01/01 Through 2004/12/31

2005/01/17

Page 1

Category Description	04/01/01- 04/12/31
INCOME	
CD Sales	70.00
Donations	3,691.50
Portfolio Rent	5.00
T-Shirt Sales	105.00
TOTAL INCOME	3,871.50
EXPENSES	
Uncategorized	0.00
Business Tax	50.00
CD Cost	30.00
Finance Charge	2.33
Instr Service	49.70
Instruments	180.10
Insurance	453.00
Music	599.00
Office Supplies	3.50
P O Box Rent	38.00
Printing	176.50
Rent Paid	1,121.50
TOTAL EXPENSES	2,703.63
OVERALL TOTAL	1,167.87

**Tualatin Valley Community Band FY-2005
Community Event Funding Request**

5.a.2 FY-2005 TVCB Proposed and Adopted Budget - 2005/1/18

INCOME

CD Sales	100.00
Donations	3,500.00
Folio Rent	25.00
T-Shirt Sales	60.00
From Scholarship fund	900.00
From Sheet Music Svc	00.00
 TOTAL INCOME	 4,485.00

EXPENSES

Bank Chrg	0.00
Business Tax	50.00
CD Costs	60.00
Entry Fees	100.00
Entry Fees	100.00
Finance Charge	0.00
Instrument Rental (TTSD)	40.00
Instrument Service	50.00
Instruments	150.00
Insurance	455.00
Office Supplies	5.00
P O Box Rent	38.00
Postage	54.00
Printing	180.00
Rehearsal Rental Space	70.00
Rent Paid (Concerts)	1,200.00
Shipping	5.00
T-Shirt Cost	200.00
TO Scholarship Fund	900.00
TO Sheet Music Svc	650.00

TOTAL EXPENSES 4,207.00

TOTAL INCOME - EXPENSES 278.00

Notes as follows:

1. Rent Paid: Tigard-Tualatin School District auditorium rental costs are budgeted for two at \$600.00 per performance.
2. Scholarship: Amounts distributed are divided based on amount available and will not exceed \$300 per individual.
3. Cash balances as follows: 1/1/2004 \$4,382.24, 12/31/2004 \$5,440.11.
4. Major revenue sources for 2004 were the City of Tigard \$2,000, Portland General Electric \$500, Tigard 4th of July Committee \$200, concert donations \$900. The Saxton Scholarship Fund received \$900.
5. Major expenditures were for auditorium rental \$1,121.50, liability insurance \$453, Music \$609, and printing \$177.
6. Authorized positions are as follows: Phil Pasteris, President; Tim Roberts, Secretary; Lee Boekelheide, Treasurer. Board Members include Steve Heuser, TVCB Music Director Robert Shannon, Associate Director, Chris Lewis, Librarian, Phil

Tualatin Valley Community Band FY-2005 Community Event Funding Request

DeLuca, Dave Nelson, Dave Nottke, Sandy Ruff, Ray Beyers, and Ken Scheckla. All positions are uncompensated.

5.b Financial Statements

The TVCB FY-2004 check register from Quicken is presented.

TVCB Check Register						Page 1
Checking						
05/01/30						
Date	Num	Transaction	Payment	C	Deposit	Balance
04/01/02	DEP	Unknown		R	39.50	4,421.74
		cat: Donations				
04/01/02	397	Postmaster	38.00	R		4,383.74
		memo: box 230773 rent thru 31 Jan...				
		cat: P O Box Rent				
04/01/02	398	Corporation Division	50.00	R		4,333.74
		memo: thru 24 Feb 2005				
		cat: Business Tax				
04/01/21	DEP	Portland General Electric		R	500.00	4,833.74
		cat: Donations				
04/01/25	399	Tigard Tualatin School Dist...	219.50	R		4,614.24
		memo: inv 2056 Deb Fennell 14 Dec				
		cat: Rent Paid				
04/02/11	400	Sheet Music Service of Port...	75.00	R		4,539.24
		memo: cust 58680				
		SPLIT [Sheet Music Svc]				
		[Sheet Music Svc]	75.00			
		memo 173720-A				
04/03/04	DEP	Cash		R	80.00	4,619.24
		memo: 5 shirts, 1 folio				
		SPLIT T-Shirt Sales				
		T-Shirt Sales			75.00	
		Portfolio Rent			5.00	
04/03/15	DEP	Cash		R	15.00	4,634.24
		memo: 1 shirt				
		cat: T-Shirt Sales				
04/03/16	401	Richard W. Dewey	26.50	R		4,607.74
		memo: adult band fest flyers				
		cat: Printing				
04/03/17	DEP	Cash		R	75.00	4,682.74
		memo: CD sales				
		cat: Donations				
04/04/13	DEP	Cash		R	13.00	4,695.74
		memo: CD sales				
		cat: Donations				
04/05/05	DEP	Cash		R	100.00	4,795.74
		memo: take from concert 2 May				
		cat: Donations				
04/05/10	DEP	Tigard Music		R	75.00	4,870.74
		cat: Donations				

**Tualatin Valley Community Band FY-2005
Community Event Funding Request**

04/05/10 402	Pacific Insurance Partners	453.00 R		4,417.74
	memo: thru 16 May 2005			
	cat: Insurance			
04/05/10 403	Sheet Music Service of Port...	160.83 R		4,256.91
	memo: cust 58680			
	SPLIT [Sheet Music Svc]			
	[Sheet Music Svc]	80.00		
	178465			
	[Sheet Music Svc]	75.00		
	179087			
	Office Supplies	3.50		
	179724 10 envelopes			
	Finance Charge	2.33		
04/05/11 DEP	Cash		R 20.00	4,276.91
	memo: from 2 May concert			
	cat: Donations			
04/05/11 404	Dave Nelson	150.00 R		4,126.91
	memo: publicity for 2 May concert			
	cat: Printing			
04/05/26 DEP	Rosa Lee Dickson		R 25.00	4,151.91
	memo: from concert			
	cat: Donations			
04/05/26 DEP	Suphawadee Ross		R 60.00	4,211.91
	memo: in memory of Steven D. Ross			
	cat: Donations			
04/05/26 DEP	Cash		R 10.00	4,221.91
	cat: Donations			
04/06/28 DEP	George Morlan		R 100.00	4,321.91
	cat: Donations			
04/06/28 DEP	Rich Watkins		R 10.00	4,331.91
	cat: Donations			
04/07/04 405	Phil Pasteris	30.10 R		4,301.81
	memo: bass drum mallet			
	cat: Instruments			
04/07/07 DEP	Tigard 4th Of July		R 200.00	4,501.81
	cat: Donations			
04/07/12 DEP	City Of Tigard		R 2,000.00	6,501.81
	memo: 2004-2005			
	cat: Donations			
04/07/12 DEP	Cash		R 15.00	6,516.81
	cat: T-Shirt Sales			
04/07/12 406	Tigard Tualatin School Dist...	612.00 R		5,904.81
	memo: \$42 on inv 1684; \$570 on in...			
	cat: Rent Paid			
04/07/12 407	Sheet Music Service of Port...	90.00 R		5,814.81
	memo: cust 58680			
	SPLIT [Sheet Music Svc]			
	[Sheet Music Svc]	90.00		
	182488			
04/09/14 408	Steve Heuser	49.70 R		5,765.11
	memo: bass drumhead			
	cat: Instr Service			
04/09/17 DEP	Cash		R 5.00	5,770.11
	cat: Donations			

**Tualatin Valley Community Band FY-2005
Community Event Funding Request**

04/09/22 409	Robert Haas	30.00 R	5,740.11
	memo: 30 CDs		
	cat: CD Cost		
04/09/22 410	**VOID**	R	5,740.11
04/09/22 411	Kathy Meads	150.00 R	5,590.11
	memo: partial reimbursement for c...		
	cat: Instruments		
04/10/04 DEP	Cash	R 24.00	5,614.11
	memo: CD sales		
	cat: CD Sales		
04/10/12 412	Sheet Music Service of Port...	234.00 R	5,380.11
	memo: cust 58680		
	SPLIT [Sheet Music Svc]		
	[Sheet Music Svc]	74.00	
	188631		
	[Sheet Music Svc]	85.00	
	187663		
	[Sheet Music Svc]	75.00	
	188928		
04/10/28 DEP	Cash	R 46.00	5,426.11
	memo: sales of CDs		
	cat: CD Sales		
04/11/01 413	School District 23J	50.00 R	5,376.11
	memo: dep concert 12 Dec		
	cat: Rent Paid		
04/11/22 414	Sheet Music Service of Port...	55.00 R	5,321.11
	memo: cust 58680		
	SPLIT [Sheet Music Svc]		
	[Sheet Music Svc]	55.00	
	192038		
04/11/30 415	Tigard Tualatin School Dist...	240.00 R	5,081.11
	memo: concert 12 Dec		
	cat: Rent Paid		
04/12/01 DEP	Philip M. Friesen	R 50.00	5,131.11
	cat: Donations		
04/12/13 DEP	Cash	R 309.00	5,440.11
	memo: concert 12 Dec		
	cat: Donations		

**Tualatin Valley Community Band FY-2005
Community Event Funding Request**

5.c Articles of Incorporation

Articles of Incorporation are on file with the City of Tigard. No changes were made during FY-2004

5.d 501(c)(3) Status

TVCB obtained a federal tax-exempt designation on November 21, 2001 and is on file at the City of Tigard. The TVCB Employer Identification Number is 93-1168909 and our DLN Number is 17053299033021.

5.e Organizational Bylaws

Bylaws are on file with the City of Tigard. No changes were made during FY-2004

CITY OF TIGARD, OREGON
13125 SW HALL BLVD.
TIGARD, OREGON 97223
503-639-4171

FY 2005-06
COMMUNITY EVENTS FUNDING REQUEST

Due: February 5, 2005

Event Name: Tigard Festival of Balloons
Address: 11600 SW Cipole Rd
City, State, Zip: Tualatin, OR 97062
Contact Name: Dave Nicoli
Telephone Number: 503-612-8204
E-mail address: mallen@dnicoli.com

1. Request (express in whole dollar amounts only)

Cash	\$ 10,000
In-Kind Services (use of City property, City staff support, etc. Please explain the services requested on a separate sheet)	\$ 65,000
Total Request	\$ 75,000

2. Purpose of Funding Request:

In order to produce the festival and offset the expenses we require cash sponsorships + in kind donations.

3. How will this event benefit the Tigard Community?

This event provides the city with a positive and safe event that helps non-profit organizations fundraise and promotes local commerce

4. How many Tigard residents do you anticipate participating in this event (or these events)?

about 20,000

5. Please submit the following information with this request:

- Detailed budget, including FY 2003-03 actual expenditures, FY 2003-04 Adopted Budget, and FY 2004-05 Proposed Budget. The Budget should identify beginning and ending balances, major revenue sources, major expenditure categories, and number of authorized positions. **
- Audit report or financial statements for the last fiscal year.**

- c. Articles of Incorporation.*
- d. 501(c)(3) status.*
- e. Organization Bylaws*

* Information not required if it has been submitted at least once in the last five years.

** Lack of adequate financial information could result in denial of request.

An electronic version of this application is available by contacting Maureen Denny at maureen@cl.tigard.or.us

2004 Tigard Festival Of Balloons Budget

INCOME:

<i>Revenue:</i>	\$	117,550.00
<i>Sponsorships:</i>	\$	50,500.00
<i>In-Kind:</i>	\$	255,000.00

TOTAL INCOME	\$	423,050.00
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EXPENSES:

Variable:

<i>Actual</i>	\$	105,500.00
<i>In-Kind</i>	\$	175,000.00

Fixed:

Distributions to Non-Profits	\$	23,000.00
Insurance	\$	12,000.00
Rent-Storage	\$	800.00
Web Site/Internet service	\$	2,000.00
Telephone	\$	500.00
In-Kind	\$	80,000.00

Total Expenses	\$	398,800.00
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NET INCOME	\$	24,250.00
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2005 Tigard Festival Of Balloons Budget

INCOME:

<i>Sponsorships:</i>	\$	80,000.00
<i>In-Kind:</i>	\$	230,000.00
<i>Other Revenue:</i>	\$	130,000.00
TOTAL INCOME	\$	440,000.00

Cost of Goods Sold **(\$83,600.00)**

Gross Profit **\$ 356,400.00**

EXPENSES:

Variable:

<i>Actual</i>	\$	66,400.00
<i>In-Kind</i>	\$	160,000.00

Fixed:

Distributions to Non-Profits	\$	20,000.00
Insurance	\$	12,000.00
Rent-Storage	\$	1,000.00
Web Site/Internet service	\$	5,000.00
Telephone	\$	500.00
In-Kind	\$	75,000.00

Total Expenses **\$ 339,900.00**

NET INCOME **\$ 16,500.00**

11:21 AM
03/08/05
Accrual Basis

Tigard Festival of Balloons

Profit & Loss

January through December 2004

	Jan - Dec 04
Ordinary Income/Expense	
Income	
In Kind	295,743.20
Gate	21,232.51
Parking	22,209.40
Carnival	24,076.00
Sponsorship	26,400.00
Balloons	6,000.00
Food Vendor	16,253.80
Field Merchants	18,403.00
Shuttle	2,005.75
Beverages	3,630.60
Ice	537.00
Beer Garden	2,500.00
Bank Charges	9.44
Total Income	439,000.70
Cost of Goods Sold	
Gate-	10,205.91
Parking-	14,708.00
Sponsorship-	2,949.74
Balloons-	23,268.69
Food Vendor-	17,787.51
Field Merchants-	7,529.41
Shuttle-	2,612.87
Beverages-	3,526.28
Ice-	1,106.10
Beer Garden-	1,886.06
Total COGS	85,580.57
Gross Profit	353,420.13
Expense	
Bank Charges-	29.00
Prior Year's Expenses	1,500.00
Entertainment	79,059.67
Advertising	126,753.95
VIP Tent	15,832.12
Rentals	75,469.64
Staff Shirts	740.80
Signs	6,847.00
Security	6,110.50
Clean Up	3,000.00
Website	4,619.70
Field Equipment	435.00
Diesel	196.61
Office Supplies	1,299.34
Insurance	18,484.00
Utilities	3,788.93
Labor	6,896.88
Taxes and Accounting	685.21
Postage	59.91
Total Expense	351,808.26
Net Ordinary Income	1,611.87
Other Income/Expense	
Other Expense	
Gain/Loss on disposal of Asset	0.00
Total Other Expense	0.00
Net Other Income	0.00
Net Income	1,611.87

11:21 AM
03/08/05
Accrual Basis

Tigard Festival of Balloons
Balance Sheet
As of December 31, 2004

	<u>Dec 31, 04</u>
ASSETS	
Current Assets	
Checking/Savings	
Wells Fargo - Checking	<u>26,343.78</u>
Total Checking/Savings	<u>26,343.78</u>
Accounts Receivable	
Accounts Receivable	<u>3,226.50</u>
Total Accounts Receivable	<u>3,226.50</u>
Total Current Assets	<u>29,570.28</u>
Fixed Assets	
Accumulated Depreciation	<u>-3,240.00</u>
Equipment	<u>5,300.00</u>
Total Fixed Assets	<u>2,060.00</u>
TOTAL ASSETS	<u>31,630.28</u>
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
Accounts Payable	<u>500.00</u>
Total Accounts Payable	<u>500.00</u>
Other Current Liabilities	
Loan from DP Nicoll	<u>26,270.50</u>
Total Other Current Liabilities	<u>26,270.50</u>
Total Current Liabilities	<u>26,770.50</u>
Total Liabilities	<u>26,770.50</u>
Equity	
Retained Earnings	<u>3,247.91</u>
Net Income	<u>1,611.87</u>
Total Equity	<u>4,859.78</u>
TOTAL LIABILITIES & EQUITY	<u>31,630.28</u>

MEMORANDUM

Administration



TO: Honorable Mayor and City Council Members

FROM: Liz Newton, Assistant to the City Manager *Liz*

DATE: March 8, 2005

SUBJECT: **Family Day**

Background:

Last month, the Mayor received a letter from Jennifer Ries, a student at Mary Woodard Elementary School requesting a new holiday in May called Family Day. A copy of Jennifer's letter is attached. The Mayor responded to Jennifer and promised to bring the idea to the attention of the City Council. A copy of that letter is also attached.

During the latest Tigard Beyond Tomorrow Vision Update process, the Vision Task Force added a new goal under community character and quality of life. That goal reads: *"Community Diversity: Ethnic groups represented in Tigard will be recognized and involved in community celebrations."*

This goal was added to reflect the growing Latino population and in recognition of other cultures represented in the community.

Staff has also been interested in developing a community event that could be held around the City's birthday- September 11. Sadly, to many people, September 11 is a reminder of the tragic events of 9/11/01. Although it's important to recognize the loss of life that forever changed our nation that day, Family Day in Tigard could be a way to celebrate bringing diverse cultures in our community together.

Next Steps:

If the Council is interested in pursuing a "Family Day" event, staff suggests the event be held on September 11 at the Library Community Room/Courtyard with a focus on family friendly activities and food and entertainment that celebrates different cultures represented in the community.

Staff has contacted TVF&R about the possibility of including fireworks. It's estimated that a 20-minute show would cost about \$10,000. Staff will pursue permits and funding if Council is interested in including a fireworks show.

There has been some support expressed for such an event.

Tigard Turns the Tide (formerly called the Mayor's Youth Forum) has submitted a grant for \$100,000 to fund coalition building activities to deter youth from drug and alcohol abuse. \$2,500 was included in the grant budget request for some support to a Family Day activity that promotes cultural awareness and tolerance.

The Tigard Youth Advisory Council has expressed interest in assisting with planning Family Day activities, and Myrna Boyce, Vision Task Force member and Tigard Kiwanis member, volunteered to coordinate a community event to celebrate diversity.

Holding the event in September should provide adequate time to convene a group of community volunteers to plan and promote the event.

Staff is seeking Council direction on whether to hold a Family Day event, when to hold the event, whether to include fireworks, and if the event should celebrate diverse cultures represented in the community.

Staff will proceed based on Council's direction.

Dear Mr. Mayor,
Can you make A new
holiday in May? Called family
day with fire works at night.
And have treat sand cookies?

Your friend
Jennifer

P.S.

Families are important
and it would be a fun day
for families.

Jennifer Ries

11124 SW Torland St

Tigard, OR 97223

February 22, 2005

Craig Dirksen
Mayor of Tigard
13125 SW Hall Blvd.
Tigard, OR 97223



Jennifer Ries
11124 SW Torland St.
Tigard, OR 97223

Dear Jennifer,

Thank you so much for your wonderful letter about Family Day. I think Tigard is a very family friendly city. Beginning a tradition of a holiday called "Family Day" is a terrific idea. I promise to bring this to the attention of the City Council and discuss the possibility of creating a special holiday for the City of Tigard. I will be keeping in touch with you to let you know how the idea progresses, and we won't forget that we heard it from you first. The best things always happen when thoughtful citizens like you, Jennifer, take the time to care and share your ideas.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "C. Dirksen", is written over the typed name.

Craig Dirksen
Mayor of Tigard

p.s. Maybe you could write back and explain why you think Family Day should be in May? cd

MEMORANDUM

Administration



TO: Honorable Mayor and City Council

FROM: Liz Newton, Assistant to the City Manager *Liz*

DATE: March 9, 2005

SUBJECT: **Citizen Leadership Series**

Background:

One of the 2004 City Council goals was to "Support the Tigard Beyond Tomorrow goal to maximize citizen involvement opportunities through educational programs by implementing a citizen leadership series."

The purpose of the citizen leadership series as an educational program would be to provide participants with a broad-base of information on local issues and develop leadership skills.

Staff did some initial planning and research in 2004 but did not implement the program due to workload issues. Mayor Dirksen has asked staff to bring a proposed program to City Council for discussion.

Research:

Beaverton, Lake Oswego, and Tualatin all have leadership series. Beaverton's is sponsored by the City. In Lake Oswego and Tualatin, the Chamber of Commerce is the sponsor. Beaverton is free to participants, the sessions are each 1.5 hours long and the City pays the cost. Lake Oswego and Tualatin charge participants, the sessions are 8 hours long, and the City does not contribute any funding to the program. Beaverton participants may elect to attend one or all of the sessions, while Lake Oswego and Tualatin participants commit to attending the full series. A matrix is attached that compares the Beaverton, Lake Oswego and Tualatin programs with a proposed program for Tigard.

Proposed Tigard Citizen Leadership Series:

Staff proposes a citizen leadership series similar to Beaverton's program topics and format, but with the participants committing to the full series. The series would be City-sponsored, and held in the evening over a 3-month period. The series would be free to participants and limited to no more than 20 participants. A proposed series outline is attached that summarizes the sessions.

Sessions would be conducted by City staff, outside agency representatives and guest speakers as appropriate. The series would conclude with an opportunity for the participants to select a project to work on that addresses current local issues. Participants would be selected through an application process.

The estimated cost of the program is \$3,000 including materials, refreshments and up to \$500 for the group project.

Next Steps:

Staff is seeking Council direction on the following items:

- Does Council support the concept?
- Are there any changes or revisions to the proposed program?

If Council directs staff to proceed with the Citizen Leadership series, funds will be included in the proposed 2005-06 budget and staff will further develop the program.

City	Beaverton	Tualatin	Lake Oswego	Tigard
Sponsor	City	Chamber of Commerce	Chamber of Commerce	City
# of sessions	8 sessions - Sept to Nov	9 sessions - Jan-Sept	11 sessions (1st sess. overnight to Mt.Hood)	8 sessions - Sept - Nov
Duration	1.5 hours/1evening /wk	1 day mo./all day	1 day/mo.-all day	1x/week, 2hrs/evening Group Project/determined by group
City Contribution	\$2,800	\$0	\$0	\$3,000
No. of Participants	6-24 but average is 10-15		12-15 participants	Maximum 20
Cost to Participants	Free	\$55/day (\$500 for series)	\$600	Free
Topics	Intro to City Govt (includes tour of City Hall) City Finance Police and Fire Intro to Land Use Plg Review of Development Svc Transportation Operations (PW) Community Programs: Recycling Code Enforcement Dispute Resolution	History Local Government Community Resources Education Government Business & Economy Communication Public Safety Class Project Graduation Dinner	Building a Team (overnight) Personal aspects of Leadership Interpersonal Relationships Communication & Media Government Law Enforcement Leading Our Youth Community Services History Ice Cream Social Fundraiser	Local Government Structure Financing Local Government Land Use Transportation Emergency Services Citizen Involvement Major Local Issues Group Project
Focus:	City	Community-wide	Community- wide	City
Meals	Meeting Refreshments	Breakfast/Lunch/Snacks	Provide b-fast & lunch	Meeting Refreshments

Citizen Leadership Series

Mission:

To educate, inform and involve citizens in all aspects of local government and to equip participants to be community leaders.

Purpose:

The citizen leadership series is designed to provide participants with a broad base of information on local issues and develop leadership skills.

Topics:

1. Local Government – setting the context
 - *Local Governments in Oregon*
 - Duties and Responsibilities
 - Structure
 - *Tigard's Structure*
 - Charter
 - Leadership
 - Council's Responsibilities
 - City Management/Organizational Structure
 - Review of City Services
 - Citizens Role
 - Effective Citizen Involvement
 - Public Meetings
 - *Regional Partners*
 - Service Delivery
 - Infrastructure Responsibility
2. Financing Local Government
 - *Public Finance (fund sources, authority, fees)*
 - *Property Tax Authority/Use*
 - *Bonds- Uses and Funding*
 - *Budget Process*
 - *CIP Budgeting*
3. Land Use – the nuts and bolts
 - *Land Use Planning in Oregon*
 - *The Comprehensive Plan*
 - *The Development Code*
 - *Citizen Input*
 - *Monitoring Development*
4. Transportation
 - *Transportation Planning*
 - State
 - Regional
 - Local
 - *Transportation Funding*
 - *The Citizens Role*

5. Emergency Services

- *Police*
 - Programs
 - Citizens Role
- *Fire*
 - Programs
 - Citizens Role
- *Emergency Management*
 - Programs
 - Citizens Role

6. Citizen Involvement

- *Communication*
- *Education/Information/Input?*
- *The Tools*
- *The Process*

7. Major Local Issues

- *A Review of Current Issues*

8. Group Project

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MEMORANDUM

TO: Tigard City Council; Craig Prosser, City Manager; Jim Hendryx, Community Development Director

FROM: Timothy V. Ramis, Gary Firestone, City Attorney's Office

DATE: March 11, 2005

RE: Urban Renewal

This memorandum is intended to provide information regarding legal requirements and procedures relating to urban renewal. The memorandum addresses structure of urban renewal approaches, adoption of urban renewal, governance issues for urban renewal agencies, and project choices within an urban renewal plan.

Summary

The Council faces a series of options regarding the structure, adoption and governance of proposed urban renewal programs. With respect to the structure of downtown urban renewal, the City has several choices: (1) the City can adopt and implement an urban renewal plan; (2) the County can adopt an urban renewal plan, with the City's approval, (3) the City adopt an urban renewal plan but delegate implementation to the County, and (4) the City and County can each adopt an urban renewal plan that would be implemented by the same intergovernmental entity.

With respect to adoption procedure, the City will need to decide whether to adopt a separate plan or to wait to approve a County plan. If a County plan is presented first, the City Council will have to decide whether it wishes to approve the County plan for areas in the City. In either event, the voters would have to approve any plan that includes tax-increment financing.

Governance of an urban renewal district also involves critical policy choices. If the City opts to share decision-making authority with the County, clear agreement with the County regarding the details of administration, amendments and dissolution will need to be negotiated and carefully drafted.

Finally, the adoption of any urban renewal plan will involve a range of choices requiring the projects to be undertaken and the powers to be granted to the agency.

1. Structure of Urban Renewal Approaches

Broadly speaking, urban renewal is any governmental approach to redevelopment of existing developed areas that are not developed consistent with current standards or policies. While local governments may take various measures to achieve urban renewal (e.g. changes in zoning, master planning, revising public facilities standards, funding additional public improvements, providing grants or reductions in fees for development in urban renewal areas, direct investment), "urban

renewal” in Oregon has come to mean taking action under ORS Chapter 457 – Urban Renewal. This memorandum addresses the urban renewal structure and approach provided by ORS Chapter 457.

Under ORS Chapter 457, there are three essential components of urban renewal. The first component is the urban renewal agency, which develops and administers the urban renewal plan. The second component is the urban renewal plan, which lays out the urban renewal projects and how they are to be financed. The third component is the option to finance urban renewal projects with tax increment financing.

In addition to the statutes, Tigard has Charter and Municipal Code provisions that regulate urban renewal within the City. The most important provision is Charter Section 47, which prohibits the adoption of an urban renewal plan that includes tax increment financing without voter approval.

Both the City and Washington County are considering urban renewal within the City. The City is considering urban renewal for both downtown and for the Washington Square area. Washington County is considering urban renewal for the corridor along the anticipated commuter rail line. The Tigard downtown area is at least partially within the anticipated commuter rail corridor.

Two urban renewal plans for the same geographic area that both include tax increment financing are not possible because the first plan to be adopted would consume the tax increment that funds projects within an urban renewal agency. However, the powers and functions of an urban renewal agency may be delegated to another governmental agency. ORS 457.210(3). Therefore, if the City adopts an urban renewal plan for downtown and the County then adopts an urban renewal plan for the commuter rail corridor, the City could delegate its powers or functions to the County, which could then administer the City’s downtown urban renewal plan in conjunction with its own urban renewal plan.

Also, ORS Chapter 190 authorize local governments to enter into intergovernmental agreements regarding the performance of government functions, and allows governments to establish an intergovernmental entity to perform functions that the parties to the IGA have authority to perform. ORS 190.010(5). It would be possible for the City and County (and possibly other cities) to establish an intergovernmental entity to administer both City and County urban renewal plans. The intergovernmental entity would be the “board or commission” that is authorized as a possible urban renewal agency under ORS 457.035.

If the County adopts an urban renewal plan that includes territory within the City, the plan does not take effect within the City unless approved by the City. ORS 497.085(6). If the County adopts a commuter rail corridor that includes some or all of the Tigard Downtown area, the City would have the option of approving the County plan or adopting its own plan.

In summary, there are four possible ways urban renewal may be instituted and carried out in the Downtown area: (1) the City can adopt and implement an urban renewal plan; (2) the County can adopt an urban renewal plan, with the City’s approval, (3) the City adopt an urban renewal plan but delegate implementation to the County, and (4) the City and County can each adopt an urban renewal plan that would be implemented by the same intergovernmental entity.¹

¹While it is technically possible for the County to adopt the plan and delegate implementation to the City, the County is likely to achieve economies of scale for a plan that includes the entire commuter rail corridor that the City could not achieve.

2. Adoption

Before an urban renewal plan is adopted, an urban renewal agency in the jurisdiction has to be activated, because the urban renewal agency is the entity that develops the plan. ORS 457.085. ORS 457.035 created urban renewal agencies in all cities and counties, but the agencies do not function until the local government adopts an ordinance activating the urban renewal agency. Tigard has adopted such an ordinance (Ordinance 89-05, codified at TMC 2.64.010 to 2.64.060), establishing an urban renewal agency known as the City Center Development Agency (CCDA). The City Council functions as the CCDA. TMC 2.64.030. The code also provides for a City Center Advisory Commission comprised of 7 to 12 members appointed by the Council. TMC 2.64.060. The City does not need to take further action to establish an urban renewal agency, but may need to make appointments to the Advisory Commission to make sure it has at least 7 members. Washington County has not activated its urban renewal agency, so would have to do so by non-emergency ordinance before the County's urban renewal agency could function. ORS 457.035(1).

The urban renewal agency has authority to develop an urban renewal plan and must prepare a report on each plan. ORS 497.085.² Public involvement at all stages of plan development is required. ORS 457.085. As part of the process, the plan and report must be provided to the planning commission for its recommendations. ORS 457.085(4). They must also be provided to each taxing district affected by the proposed plan, and the urban renewal agency is required to confer and consult with those taxing districts. ORS 457.085(5). Any written recommendation by any taxing district must be specifically accepted, rejected or modified by the governing body when the plan is adopted. *Id.* Under the statutes, the local governing body (*i.e.* the Council acting as City Council, not as the CCDA) has authority to adopt the urban renewal plan. ORS 457.085(6). Adoption must be by non-emergency ordinance. ORS 457.095. A description of the requirements for the plan, report, and procedural requirements is included in Attachment 2.

Tigard Charter Section 47 requires voter approval of any urban renewal plan that includes tax increment financing. This requirement is in addition to the statutory process. Because of Charter Section 47, any ordinance by the City adopting a Downtown Urban Renewal Plan (or any other urban renewal plan) would have to be conditioned on voter approval.

For the County to adopt an urban renewal plan that included areas in Tigard, the County would have to activate the urban renewal agency, have the urban renewal agency develop the plan and report, run the plan and report by the County Planning Commission and affected local taxing districts (including the City), and then have the County Board approve the plan. ORS 457.085. However, the plan would not take effect as to areas within Tigard unless and until approved by the City. ORS 457.085(6). Approval by the City may be by resolution. ORS 457.105. Assuming that the plan includes tax increment financing, the resolution by the City approving the plan must be conditioned on voter approval. Charter Section 47.

If the City adopts an urban renewal plan before the County takes action, the City would have to decide what approach to take if the County then proposes an urban renewal plan that includes territory that overlaps with the urban renewal area established by the City. One option for the City is to not adopt the County plan and keep the City plan in place. A second option is to adopt the County

² A copy of ORS 457.085, which sets out the required contents of the plan and report is attached as Attachment 1.

plan (subject to voter approval) and to terminate the City plan as to overlapping areas. A third option is to jointly plan with the County so that the County does not include the area of the City's urban renewal plan. The City could choose to delegate administration of the City plan to the County or to an intergovernmental entity. Other variations are possible (e.g. building into the City plan an express provision regarding possible creation of a County plan).

If the City adopts a plan with voter approval and the County then proposes a plan that includes any areas within the City, the County plan would also be subject to voter approval unless the City plan or the ballot measure included a provision that expressly allowed tax increment financing for a subsequent County plan. This option is most likely to work if the County and City plans are very similar and cover the same area in the City. If the plans or areas are dissimilar, a second vote is likely to be required as a plan amendment, unless the original ballot measure provides a broad grant of authority for tax increment financing.

If a City urban renewal plan fails to win voter approval, the County may still seek approval of its plan, which would require a City resolution and voter approval. If the County effort goes to the voters and fails, the City may still seek voter approval of a City urban renewal plan.

In summary, the City will need to decide whether to adopt a separate plan or to wait to approve a County plan. If a County plan is presented first, the City Council will have to decide whether it wishes to approve the County plan for areas in the City. In either event, the voters would have to approve any plan that includes tax-increment financing.

3. Governance

ORS 457.045 provides that the authority of an urban renewal agency may be exercised in one of three ways: (1) by a housing authority, (2) by a board or commission of at least three members, or (3) by the governing body. The decision as to which of the three options to take is made by the governing body at the time the urban renewal agency is activated. The Tigard City Council made the Council the governing body at the time it activated the urban renewal agency. TMC 2.64.030.

The County has not activated its urban renewal agency. To do so, it must act by non-emergency ordinance. ORS 457.035. It could choose any of the three governance options. Given the possibility that a County urban renewal agency would adopt a plan that included areas in several cities, it may be possible to persuade the County to create a separate board or commission that would include representation from the cities.

The governing body (City Council or County Board of Commissioners) may at any time change the form of governance to any of the other types (housing authority, governing body, separately appointed board or commission) allowed by ORS 457.035. ORS 457.055. As discussed above, one option is to create an intergovernmental entity that would be the "board or commission" that is authorized by option (2). Any such agreement should control how the entity could be changed.

As discussed above, the authority of the urban renewal agency may be delegated to another government with authority to act. ORS 457.210(3). For areas within the City, a City urban renewal agency may delegate to a County urban renewal agency, and vice versa.

The governing body (the City Council or the County Board of Commissioners) retains substantial authority in relation to urban renewal. Even if the governing body does not act as the urban renewal

agency, the following actions remain within the authority of the governing body:

1. Activation of the urban renewal agency (ORS 457.035);
2. Choice of form of governance (including change of governance form) (ORS 457.045-457.055);
3. Approval or amendment of urban renewal plan (ORS 457.085(6), 457.095, 457.210;
4. Approval of maximum amount of indebtedness (ORS 457.437);
5. Issuance of bonds (ORS 457.320);
6. Termination of urban renewal agency (ORS 457.075).

If an intergovernmental entity is created, the agreement would need to specify the extent to which coordination of amendments and termination is to occur.

The urban renewal agency's basic powers are to prepare the urban renewal plan and report and carry out the approved plan by undertaking the projects listed in the plan. ORS 457.170. While an urban renewal agency may have other sources of fundings (*e.g.* loans or grants), most urban renewal funds are raised through tax increment financing. *See* ORS 457.190.

Project Choices

ORS 457.170 lists the type of projects that may be included in urban renewal plans:

1. Housing;
2. Structure rehabilitation and conservation;
3. Acquisition of real property;
4. Clearing areas, including demolition, removal or rehabilitation of existing development;
5. Constructing and reconstructing public improvements and utilities;
6. Programs for voluntary repair and rehabilitation of structures by existing owners;
7. Planning for neighborhood development.

To undertake these efforts, the urban renewal agency has general authority to plan, conduct studies, surveys and tests, assist in relocating persons displaced by urban renewal, and dispose of real property. ORS 457.170, 457.180.

The original choice as to what to include in the plan is to be made by the urban renewal agency. However, the final decision is to be made by the governing body (City Council or County Board of Commissioners). In making the final decision, the governing body must consider the recommendation of the Planning Commission and any written comments of affected taxing districts. ORS 457.085(5).

Conclusion

If the City is to proceed with urban renewal, choices will need to be made. The primary choices are whether to proceed with a City urban renewal agency or to try to coordinate with the County regarding County urban renewal that will include areas within the City.

The City will also have make decisions regarding governance. If the plan is to be a City only plan, the City could keep the current governance scheme, which has the City Council also act as the urban renewal agency. The City could choose to appoint a separate board if it wishes.

If there is to be a County plan including areas in the City, the City will have to decide whether the governance plan proposed by the County is acceptable.

If both the City and the County are to adopt urban renewal, the City may wish to attempt a common governance structure, with an intergovernmental entity serving as the urban renewal agency for both plans.

tvr/tigard/council/CouncilMm1(srg)

ATTACHMENT 1 – ORS 457.085

457.085 Urban renewal plan requirements; accompanying report; contents; approval required. (1) An urban renewal agency shall provide for public involvement in all stages in the development of an urban renewal plan.

(2) An urban renewal plan proposed by an urban renewal agency shall include all of the following:

- (a) A description of each urban renewal project to be undertaken.
- (b) An outline for the development, redevelopment, improvements, land acquisition, demolition and removal of structures, clearance, rehabilitation or conservation of the urban renewal areas of the plan.
- (c) A map and legal description of the urban renewal areas of the plan.
- (d) An explanation of its relationship to definite local objectives regarding appropriate land uses and improved traffic, public transportation, public utilities, telecommunications utilities, recreational and community facilities and other public improvements.
- (e) An indication of proposed land uses, maximum densities and building requirements for each urban renewal area.
- (f) A description of the methods to be used for the temporary or permanent relocation of persons living in, and businesses situated in, the urban renewal area of the plan.
- (g) An indication of which real property may be acquired and the anticipated disposition of said real property, whether by retention, resale, lease or other legal use, together with an estimated time schedule for such acquisition and disposition.
- (h) If the plan provides for a division of ad valorem taxes under ORS 457.420 to 457.460, the maximum amount of indebtedness that can be issued or incurred under the plan.
- (i) A description of what types of possible future amendments to the plan are substantial amendments and require the same notice, hearing and approval procedure required of the original plan under ORS 457.095 as provided in ORS 457.220, including but not limited to amendments:
 - (A) Adding land to the urban renewal area, except for an addition of land that totals not more than one percent of the existing area of the urban

renewal area.

(B) Increasing the maximum amount of indebtedness that can be issued or incurred under the plan.

(j) For a project which includes a public building, an explanation of how the building serves or benefits the urban renewal area.

(3) An urban renewal plan shall be accompanied by a report which shall contain:

(a) A description of physical, social and economic conditions in the urban renewal areas of the plan and the expected impact, including the fiscal impact, of the plan in light of added services or increased population;

(b) Reasons for selection of each urban renewal area in the plan;

(c) The relationship between each project to be undertaken under the plan and the existing conditions in the urban renewal area;

(d) The estimated total cost of each project and the sources of moneys to pay such costs;

(e) The anticipated completion date for each project;

(f) The estimated amount of money required in each urban renewal area under ORS 457.420 to 457.460 and the anticipated year in which indebtedness will be retired or otherwise provided for under ORS 457.420 to 457.460;

(g) A financial analysis of the plan with sufficient information to determine feasibility;

(h) A fiscal impact statement that estimates the impact of the tax increment financing, both until and after the indebtedness is repaid, upon all entities levying taxes upon property in the urban renewal area; and

(i) A relocation report which shall include:

(A) An analysis of existing residents or businesses required to relocate permanently or temporarily as a result of agency actions under ORS 457.170;

(B) A description of the methods to be used for the temporary or permanent relocation of persons living in, and businesses situated in, the urban renewal area in accordance with ORS 35.500 to 35.530; and

(C) An enumeration, by cost range, of the existing housing units in the

urban renewal areas of the plan to be destroyed or altered and new units to be added.

(4) An urban renewal plan and accompanying report shall be forwarded to the planning commission of the municipality for recommendations, prior to presenting the plan to the governing body of the municipality for approval under ORS 457.095.

(5) An urban renewal plan and accompanying report shall be forwarded to the governing body of each taxing district affected by the urban renewal plan and the agency shall consult and confer with the taxing districts prior to presenting the plan to the governing body of the municipality for approval under ORS 457.095. Any written recommendations of the governing body of each taxing district shall be accepted, rejected or modified by the governing body of the municipality in adopting the plan.

(6) No urban renewal plan shall be carried out until the plan has been approved by the governing body of each municipality pursuant to ORS 457.095 and 457.105.

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ATTACHMENT 2

URBAN RENEWAL PROCESS

ACTIVATION OF URBAN RENEWAL AGENCY

1. Urban renewal agencies were created in every city and county by ORS 457.035, but they do not function until the local government adopted a non-emergency ordinance declaring that blighted areas exist and that there is a need for the urban renewal agency to function. ORS 457.035(1).
2. The urban renewal agency originally activated by the City was terminated by Measure 51 at the September 1983 election, which added Sections 45 through 50 of the Tigard Charter.
3. Tigard Charter Section 46 allows the City to re-activate an urban renewal agency by non-emergency ordinance.
4. In 1989, the City Council adopted Ordinance 89-05 (codified at TMC 2.64.010 to 2.64.060), which again activated the urban renewal agency, known as the "City Center Development Agency." The Council serves as the City Center Development Agency. TMC 2.64.030.
5. *Conclusion:* The City's urban renewal agency was reactivated by Ordinance 89-05 and continues in effect, with the City Council functioning as the urban renewal agency.

PROCEDURE FOR ADOPTION OF URBAN RENEWAL PLAN

1. Public involvement in all stages of the urban renewal plan must be provided. ORS 457.085(1). TMC 2.64.060 created the "City Center Advisory Commission," to make recommendations to the City Center Development Agency and to assist in providing information to the public.
2. The urban renewal plan and report must be prepared in accordance with the standards set out in ORS 457.085.
 - A. Required urban plan contents:
 - a. A description of each urban renewal project;
 - b. An outline for development of the urban renewal area;
 - c. A map and legal description of the urban renewal area;
 - d. An explanation of the plans objectives (land use, traffic, transportation, utilities, public facilities and improvements);
 - e. Proposed land uses, maximum densities and building requirements;

- f. Methods of temporary or permanent relocation;
- g. Indication of which real property is to be acquired and disposition of any such property;
- h. If tax increment financing to be used, a statement of the maximum amount of indebtedness to be issued or incurred;
- i. A description of possible future amendments that would constitute substantial amendments;
- j. If the project includes a public building, a statement as to how the building serves or benefits the urban renewal area.

B. Required contents of the report on the urban renewal plan:

- a. Description of the physical, social and economic conditions and expected impact of the plan;
- b. Reasons for selection of each urban renewal area in the plan;
- c. Relationship between each project and existing conditions;
- d. Estimated total cost of each project and source of funding;
- e. Anticipated completion date for each project;
- f. The estimated amount of money required to be raised by tax increment financing and the anticipated year debt will be retired;
- g. A financial analysis of the plan demonstrating feasibility;
- h. A fiscal impact statement on the effect of tax increment financing on the affected taxing districts;
- i. A relocation report describing what relation will be required, including a report on housing units to be destroyed and created, by price range.

- 3. The Planning Commission must make recommendations to the Council. ORS 457.085.
- 4. The plan and report must be provided to each taxing district affected by the plan, with follow-up consultations. The other taxing districts may make recommendations to the governing body of the municipality adopting the plan. The body adopting the plan must explicitly accept, reject or modify each recommendation from another taxing district. ORS 457.085(5).
- 5. The Council must hold a hearing on the adoption of an urban renewal plan and provide mailed notice of the hearing to:
 - a. Owners of property in the municipality;
 - b. Registered voters in the municipality;
 - c. Utility customers in the municipality;
 - d. Postal patrons in the municipality. (In other words, everybody in the jurisdiction).

ORS 457.120.

6. The hearing notice must include:

- a. Information about the hearing (date, time, place);
- b. That an urban renewal plan is being considered for adoption;
- c. That the adoption may affect tax rates;
- d. That the ordinance, if approved is subject to referendum;
- e. Information as to the contact person from whom the urban renewal plan and report may be obtained.

ORS 457.120(3). Because the Tigard Charter provision requiring voter approval, the notice provision relating to the referendum should state that, if the Council approves the plan, it will be referred to the voters.

7. Any approval of an urban renewal plan must be by non-emergency ordinance. The ordinance must include the following determinations and findings:

- a. That each urban renewal area is blighted;
- b. That the rehabilitation and development is necessary to protect the public health, safety or welfare of the City;
- c. That it conforms to the City's comprehensive plan and any economic development plan;
- d. That provisions have been made to house displaced persons within their financial means;
- e. That the acquisition of any real property to be acquired is necessary;
- f. That adoption and implementation of the plan is economically sound and feasible;
- g. That the City will assume and complete any activities required of it by the plan.

ORS 457.095. If the plan calls for tax increment financing, the ordinance must be conditional on voter approval, and should refer the matter to the voters. Charter Section 47.

8. Notice of adoption of the plan must be advertised in the newspaper of greatest circulation that is published in the municipality that adopts the plan. Notice must be published within 4 days following notice adoption. ORS 457.095, 457.115.

9. The City must adopt a ballot title. The ballot title adoption may be combined with the ordinance conditionally adopting the plan. Council action approving (conditionally) the plan and approving the ballot title should be taken in time to allow the City Recorder to file the measure with the County Elections Officer at least 61 days before the election.

10. The election must be in May or November. Charter Section 47.

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AGENDA ITEM # _____
FOR AGENDA OF March 22, 2005

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Acknowledging Susan Koepping for Service to the City of Tigard
PREPARED BY: Liz Newton LN DEPT HEAD OK CP CITY MGR OK CP

ISSUE BEFORE THE COUNCIL

Should Council approve a Resolution thanking Susan Koepping for her 7 years of service to the City of Tigard as Volunteer Coordinator?

STAFF RECOMMENDATION

Approve the attached resolution thanking Susan Koepping for her outstanding service as Volunteer Coordinator.

INFORMATION SUMMARY

Susan began her work as Volunteer Coordinator April 15, 1998. At that time the City did not have a City-wide program to involve volunteers in the community other than in the Library. Susan designed and implemented programs for getting people involved in volunteer projects in all other city departments. She worked closely with the Library Volunteer Coordinator to continually expand volunteer opportunities.

Volunteer hours donated in 1998 totaled 5,446 outside of the Library. At the end of 2004, 27,700 hours were contributed to the City by our wonderful volunteers – 13,000 in the Library, 14,700 in other areas. From tree plantings in the park, digging blackberry vines, project support and assistance for all city departments, Susan has cheerfully organized volunteers to do it all!

Susan has included Boy Scouts, retirees, community advocates and Board and Committee members in her efforts to better our City. She has brought to light the value of our volunteers.

OTHER ALTERNATIVES CONSIDERED

None

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

Resolution

FISCAL NOTES

No fiscal impact.

CITY OF TIGARD, OREGON

RESOLUTION NO. 05-_____

A RESOLUTION RECOGNIZING SUSAN KOEPPING FOR HER SERVICE TO THE CITY OF TIGARD AS VOLUNTEER COORDINATOR.

WHEREAS, the Tigard Beyond Tomorrow Vision Task Force recognizes the value of volunteers as reflected in the goal: "City will maximize the effectiveness of the volunteer spirit to accomplish the greatest good for our community"; and

WHEREAS, the Tigard City Council recognizes the importance of involving volunteers in the community; and

WHEREAS, Susan Koepping was hired April 15, 1998 and will retire March 31, 2005; and

WHEREAS, the Susan Koepping instituted many changes to strengthen and build the role volunteers play in the City and the community; and

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The City of Tigard is grateful to Susan Koepping for her valuable service as Volunteer Coordinator and wishes her the best as she retires from the City.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2005.

Mayor – City of Tigard

ATTEST:

City Recorder - City of Tigard

RESOLUTION NO. 05-_____

A G E N D A
TIGARD CITY COUNCIL BUSINESS MEETING
FEBRUARY 8, 2005 – 6:30 p.m.
13125 SW Hall Boulevard, Tigard, Oregon

Mayor Dirksen called the meeting to order at 6:30 p.m.

Council Present: Mayor Dirksen; Councilors Harding (arrived at 6:34 p.m.), Sherwood, Wilson, and Woodruff

- STUDY SESSION

- > ADMINISTRATIVE ITEMS – The following items were distributed or discussed briefly:
 - a. Mayor's Agenda distributed.
 - b. Noted League of Oregon Cities training for newly elected officials scheduled for Portland on March 3, 9 a.m. to 3:30 p.m. (Information distributed in the 2/4/05 Council Newsletter). If interested in attending, contact Joanne Bengtson.
 - c. Dan Murphy, Tigard Chamber of Commerce Representative, is unable to attend this evening. He hopes a Chamber member will come in his place to update the Council on upcoming Chamber events.
 - d. Discuss when to schedule meetings with Representative Galizio and Senator Burdick. One suggestion was for May; another was to schedule time on the March 29 5th Tuesday Council Meeting. Last Legislative session, legislators were invited to the first business meeting each month. Representative Galizio has contacted the City and asked whether the City of Tigard would sponsor a town meeting. After discussion, consensus of Council was to invite Representative Galizio and Senator Burdick to the 5th Tuesday meeting on March 29, 2005. The Council would like to use this time as an opportunity to tell the legislators what the Council thinks is important and what they should be working toward. Interim City Manager Prosser said he would find out if the 5th Tuesday meeting could be televised.
 - e. JPACT Nomination – Beaverton Mayor Drake's letter was sent to Council on February 4; nominations are due by 2/18. Council supported the nomination of Mayor Rob Drake as the primary JPACT representative. No alternate was selected.

At this point in the meeting the Council heard information from City Attorney Ramis on Land Use Basics (see "CITY COUNCIL ORIENTATION" section below).

- f. Tualatin Resolution – Interim City Manager referred to a resolution distributed to the Council from the City of Tualatin addressing some Metro issues. The Mayor requested staff to review this Tualatin resolution and craft a resolution that would generally support Tualatin's position and also present issues specific to Tigard. A copy of a draft resolution was distributed to the City Council representing staff's attempt to respond to the Mayor's request. Mr. Prosser asked the Council to review the draft ordinance and advise him of any comments or edits by the end of the week. A proposed resolution will be presented to the Council at its February 22 Council meeting.

Council agreed to review the resolution. The Mayor urged the Council to compare the draft resolution to the original resolution from Tualatin to determine if Tigard's issues are addressed.

- g. TPOA Arbitration – Interim City Manager referred to an arbitration session held in November. Under the timelines of state law governing binding arbitration, a decision from the arbitrator was due January 10. The California arbitrator lost a home in recent landslides; therefore, both TPOA and the City contacted him and said, given the circumstances, he did not need to meet the January 10 deadline. Mr. Prosser said that Councilor Woodruff had heard that the City's labor attorney, Ken Bemis, would not join with TPOA to write a letter to the arbitrator, but this is not the case. Each side (TPOA and City Management) is sensitive to the arbitrator's recent tragedy.

Councilor Woodruff advised he had a call from TPOA President Glen Scruggs about another matter. Mr. Scruggs said he thought there was hesitation on the City's part and suggested there be a joint letter issue. Councilor Woodruff told Mr. Scruggs he would ask about sending out a joint letter. Mr. Prosser said Mr. Bemis and TPOA's lawyer would get together to issue a letter.

Councilor Wilson said he would appreciate a "Labor Negotiations 101" type of class for Council members to understand more about labor law and how the law affects public sector employees as compared to private sector employees. He also mentioned he'd like to know about civil service protections. Mr. Prosser agreed such training would be timely as there will be issues coming up for Council to deal with. Mr. Prosser will schedule this training with Attorney Ken Bemis for the Council. In response to a question from

Councilor Wilson about civil service protections, Mr. Prosser advised that the City of Tigard does not have a civil service system "per se," but it would be worthwhile to discuss civil service and the City's employment structure.

- h. NW Medical Teams – Interim City Manager Prosser advised that Councilor Woodruff had indicated he was interested in inviting NW Medical Teams to a Council session to recognize this organization for the incredible work they have been doing in SE Asia. Staff has contacted NW Medical teams, but has not heard back from them.
- i. CIP Tour – is scheduled. February 28. 3-5 PM
- j. Calendar Review
 - February 15: Council Workshop Meeting – 6:30 p.m. – Town Hall
 - February 21: President's Day Holiday – City Hall Closed, Library Open
 - February 22: Council Business Meeting – 6:30 p.m. – Town Hall
 - March 8: Council Business Meeting – 6:30 p.m. – Town Hall
 - March 15: Council Workshop Meeting – 6:30 p.m. – Town Hall
 - March 22: Council Business Meeting – 6:30 p.m. – Town Hall
 - March 29: 5th Tuesday Council Meeting – 7 p.m. – Water Auditorium

At this point in the meeting, Council went into Executive Session as noted below.

> CITY COUNCIL ORIENTATION

City Attorney Ramis reviewed an outline with Council on "Land Use Basics." A copy of this outline is on file in the City Recorder's office. Information reviewed included:

- Quasi-Judicial and Legislative Distinguished
- Legislative Decisions
- Quasi-Judicial Decisions
- Findings and Conditions
- Due Process
- Ethics in Land Use Cases

At the conclusion of the discussion on this agenda item, Council returned to its review of the Administrative Items (starting with "f. Tualatin Resolution").

- **EXECUTIVE SESSION:** The Tigard City Council went into Executive Session at 7:02 p.m. to discuss employment of a public officer, real property transaction, pending litigation, and to review & evaluate the employment-related performance of the chief executive officer under ORS 192.660(2)(a)(e)(h) & (i).

Executive Session concluded at 7:33 p.m.

1. BUSINESS MEETING

- 1.1 Mayor Dirksen called the City Council & Local Contract Review Board meeting to order at 7:39 p.m.
- 1.2 Council Present: Mayor Dirksen, Councilors Harding, Sherwood, Wilson, and Woodruff
- 1.3 Pledge of Allegiance: Cub Scout Pack 232 conducted a Flag Ceremony.
- 1.4 Council Communications & Liaison Reports: None
- 1.5 Call to Council and Staff for Non-Agenda Items: None

2. CITIZEN COMMUNICATION

- Tigard High School Student Envoy Nikki Pham presented Council with information on current and future activities at Tigard High School. An outline of these activities is on file in the City Recorder's office.
- Gretchen Buehner, 13249 SW 136th Place, Tigard, Oregon, said she talked to City staff about installing a stop sign at the corner of Hillshire where Westridge and 135th come together, where she has seen a lot of near and actual accidents. She said she received notice that a stop sign would be installed by the end of the week and she thanked the City.
- Follow-up to Previous Citizen Communication
 - Interim City Manager noted in January, CPO 4B President Holly Shumway requested Tigard staff attendance at her organization's meetings. CPO 4B is part of the County structure. Staff will be talking with Council in April about communications and suggests this request be considered at that time. In the meantime, staff recommends that if the County requests City staff to attend, then City staff would attend.
 - Interim City Manager Prosser noted that Brian Wegener of the Tualatin Riverkeepers presented issues to Council at a previous meeting about storm drainage. Staff is reviewing this information.

Rob Williams, Tigard Youth Forum President, reviewed the Consent Agenda as follows:

3. CONSENT AGENDA:

- 3.1 Approve Council Minutes for January 11, 2005
- 3.2 Receive and File:
 - a. Council Calendar
 - b. Tentative Agenda
 - c. 5th Tuesday – Council Meeting Notes for November 30, 2004
- 3.3 Authorize Submittal of the City of Tigard's Third-Year Title 7 Functional Plan Compliance Report – Resolution No. 05-06

A RESOLUTION AUTHORIZING THE SUBMITTAL TO METRO OF THE CITY'S THIRD YEAR TITLE 7, AFFORDABLE HOUSING, COMPLIANCE REPORT

- 3.4 Local Contract Review Board:
 - a. Award Contract for the Construction of FY 2004-05 Storm Drainage Major Maintenance Program
 - b. Authorize the Purchase of New Police Portable Radios Using a State of Oregon Price Agreement
- 3.5 Reappoint Bob Rohlf to the Washington County Consolidated Communications Agency Budget Committee – Resolution No. 05-07

A RESOLUTION TO REAPPOINT BOB ROHLF TO THE WASHINGTON COUNTY CONSOLIDATED COMMUNICATIONS AGENCY BUDGET COMMITTEE

- 3.6 Approve Separation Agreement for William A. Monahan

Motion by Councilor Sherwood, seconded by Councilor Woodruff, to approve the Consent Agenda as presented.

The motion was approved by a unanimous vote of Council present:

Mayor Dirksen:	Yes
Councilor Harding:	Yes
Councilor Sherwood:	Yes
Councilor Wilson:	Yes
Councilor Woodruff:	Yes

4. ADOPT 2005 COUNCIL GOALS

Mayor Dirksen summarized the goals. A list of the goals is on file with the City Recorder.

The Mayor noted the Council decided to set goals in a different manner for 2005. Instead of listing long-term goals in many different areas, the Council focused on specific tasks they would like to see accomplished this year. The decision to change was largely based on information received by Council from a citizen surveys (by the Park and Recreation Board) and from the citizens' visioning process. The Council would like to commit the City's resources to addressing some individual issues of concern. Overlaying specific actions taken in each of the goal areas is a commitment to:

- Seek community involvement
- Tie actions to the Vision Task Force Goals
- Enhance the appearance of the City
- Measure results

The Mayor reviewed each goal:

1. Revitalize Downtown

This is a continuance of an effort for the last couple of years. He noted the continuing efforts of a citizen task force. In 2005, the Council is committed to completing the Downtown Plan and to implement the plan. The City might use urban renewal for that implementation; part of the plan is to study different ways to finance the projects identified to revitalize the downtown area. Once the Downtown Plan is completed and there is a process in place to implement it, the City can identify specific projects that could be done immediately.

2. Improve 99W

When the City asks citizens about what they think the biggest problem is in Tigard, they often respond, "traffic...and, specifically, Traffic on 99W." Mayor Dirksen noted that 99W is not a City street, but just because that is so, it does not mean that there are not things that the City could do. Therefore, the City's task for this year is to identify some specific projects that the City could do to alleviate congestion on 99W. Once the City has determined the appropriate projects and the projects are prioritized, the City will actively seek funding. The City could use what funding it has available to attempt to leverage additional funding from other revenue sources from the State and Federal governments.

The Mayor noted that traffic is not the only thing wrong with 99W; "it's also its appearance." The Council would like to explore ways to enhance the appearance of 99W as well.

3. Address Growth

The Mayor advised that the Council is committed to beginning a revision of Tigard's Comprehensive Plan. He said the Comprehensive Plan is a document the City uses as a road map to determine the needs of the city; i.e., where types of building should be located, consider impacts to streets, what should streets look like, what is the zoning, and what should density be in different areas. The Comprehensive Plan as it now exists was adopted about 20 years ago. While the Plan has been updated regularly, it has not been reviewed in its entirety and revised in a comprehensive manner. The process will begin with establishment of a citizen review and involvement process.

The Mayor said the City hears from citizens that some of the issues they have are issues for which the Council has no jurisdiction. The Council identified some Metro issues and determined that this year the City should discuss with Metro and the State ways that the Metro Charter could be changed to address concerns citizens have relating to zoning and density.

The Mayor noted one of the objectives under this goal is to identify and acquire open space. He referred to the parks system development charge which was recently increased and this year, the City will aggressively seek pieces of property the City to purchase for park development or reserve as open space.

The next objective under this goal is to review growth of expenditures and revenue. At times, expenses grow faster than revenue as a result of inflation (for example, increased fuel and insurance costs). The Council will review the growth of expenditures and try to determine areas where adjustments can be made.

The last objective under this goal is the graphic identity (branding) for the City of Tigard. The Council is looking for some ideas for signage, including monument signs as you enter the City. Also, the entrances to parks could be better identified with signs or gates. The City will also review the City logo with citizen and professional input.

The Mayor advised that last year the Council set six goals and each of those goals had four or five tasks for a total of 37 tasks that staff was asked to address. He said that a lot of progress could not be made in all of these tasks because of limited City resources. The Council, therefore, made the choice this year to reduce the number of goals and to limit the focus so significant progress could be made in a few areas.

The Mayor asked for citizen comments about the approach to the goal setting this year.

The Mayor noted there will be open houses for a dialogue with the community on the Downtown Plan over the next couple of months. He asked that citizens look at the Plan and let the City know what they think. He advised there is a meeting Task Force meeting on Thursday.

Councilor Woodruff said that all of the goals contain objectives or tasks that can be measured. The Council will be holding staff responsible to work towards getting these accomplished or moved in the right directions and the Council expects that the public will hold the Council accountable to move the goals in the right direction this year. Councilor Woodruff said, "We certainly do solicit any help and ideas that people have about how we can make these things happen...so we can be successful with these goals by the time we get to the end of this year."

5. RECOGNITION OF CENTREX

Risk Manager Mills presented this agenda item and introduced Jim Severson, President of Centrex Construction, Inc. and Doug Mead, the project superintendent for the remodel of the Permit Center and City Hall.

An outline of the highlights of Ms. Mills' presentation to the Council is on file in the City Recorder's office.

Ms. Mills reviewed the outstanding work of Centrex, Inc., a Tigard-based contractor who completed the remodel on the Permit Center and City Hall.

Motion by Councilor Sherwood, seconded by Councilor Wilson, to adopt Resolution No. 05-08.

RESOLUTION NO. 05-08 – A RESOLUTION RECOGNIZING CENTREX CONSTRUCTION, INC. FOR THEIR CONTRIBUTIONS TO THE CITY OF TIGARD CITIZENS.

The motion was approved by a unanimous vote of Council present:

Mayor Dirksen:	Yes
Councilor Harding:	Yes
Councilor Sherwood:	Yes
Councilor Wilson:	Yes
Councilor Woodruff:	Yes

6. PUBLIC WORKS DEPARTMENT: MISSION/VALUES EXERCISE RESULTS

Public Works Director Koellermeier presented the staff report on this agenda item. An outline of the highlights of Public Works Director Koellermeier's presentation to the Council is on file in the City Recorder's office. Mr. Koellermeier reviewed the Mission Values/Exercise Results started in the summer of 2004. The results of these group discussions are a new Mission Statement, slogan, and a set of core values for the public works department:

Mission Statement: "The Public Works Department proudly provides stewardship over the City's water, sanitary sewer, storm drainage, streets, fleet, buildings, and parks services in a safe, efficient, courteous and professional manner."

Slogan: "Taking Care of the Community"

Core Values:

- Professionalism
- Respect
- Integrity
- Dedication
- Enthusiasm

Council members agreed that this was a good effort by the Public Works Department.

7. PUBLIC HEARING (QUASI-JUDICIAL) – PUBLIC SEWER EASEMENT VACATIONS (VAC 2004-00002) SW FREWING STREET AT SW PACIFIC HIGHWAY AND SW PFAFFLE STREET AT SW 79TH AVENUE

Mayor Dirksen opened the public hearing.

Community Development Director Hendryx introduced this agenda item. Associate Planner Tracy presented the staff report, which outlined the application to initiate two separate public utility easement vacations.

There were no declarations or challenges.

No one signed in on the testimony sign-in sheets to testify. City Attorney Ramis asked the public in attendance if anyone was present to testify on this item. Hearing no response, City Attorney Ramis advised the Council could proceed with the hearing without a detailed reading of the hearing process for a quasi-judicial hearing.

Mayor Dirksen closed the public hearing.

Council Consideration: Motion by Councilor Woodruff, seconded by Councilor Sherwood, to adopt Ordinance No. 05-03.

ORDINANCE NO. 05-03 – AN ORDINANCE CONCERNING THE VACATION OF A PUBLIC SEWER UTILITY EASEMENT OF APPROXIMATELY 1,248 SQUARE FEET LOCATED AT SW FREWING STREET AT SW PACIFIC HIGHWAY, IN THE CITY OF TIGARD, WASHINGTON COUNTY, OREGON (VAC2004-00002).

The motion was approved by a unanimous vote of Council present:

Mayor Dirksen:	Yes
Councilor Harding:	Yes
Councilor Sherwood:	Yes
Councilor Wilson:	Yes
Councilor Woodruff:	Yes

Motion by Councilor Wilson, seconded by Councilor Harding, to adopt Ordinance No. 05-04.

ORDINANCE NO. 05-04 – AN ORDINANCE CONCERNING THE VACATION OF A PUBLIC SEWER UTILITY EASEMENT OF APPROXIMATELY 475 SQUARE FEET LOCATED AT SW PFAFFLE STREET AT SW 79TH AVENUE, IN THE CITY OF TIGARD, WASHINGTON COUNTY, OREGON (VAC2004-00002).

The motion was approved by a unanimous vote of Council present:

Mayor Dirksen:	Yes
Councilor Harding:	Yes
Councilor Sherwood:	Yes
Councilor Wilson:	Yes
Councilor Woodruff:	Yes

8. PUBLIC HEARING (QUASI-JUDICIAL) ASH CREEK ESTATES – LAND USE BOARD OF APPEALS (LUBA) REMAND - SUBDIVISION (SUB) 2003-00010/PLANNED DEVELOPMENT REVIEW (PDR) 2003-00004/ ZONE CHANGE (ZON) 2003-00003/SENSITIVE LANDS REVIEW (SLR) 2003-00005/ADJUSTMENT (VAR) 2003-00036/ADJUSTMENT (VAR) 2003-00037

Mayor Dirksen read the following:

ITEM ON REMAND: The State Land Use Board of Appeals (LUBA) has remanded City Council's approval of a 29-lot Planned Development Subdivision on 9.3 acres and associated Zone Change, Sensitive Lands, and Adjustment reviews for additional findings to support their decision. This hearing is limited to the four specific assignments of error which are generally: 1) The City's acceptance of lower "K" values in relation to the proposed vertical sag on SW 74th and demonstration that the City Engineer is authorized to approve such deviations to adopted street standards; 2) The requirement that the applicant prepare and submit a tree plan that identifies the size, species, and location of trees on the site, provide a removal plan, protection plan, and mitigation program in accordance with Tigard Community Development Code (TCDC) Chapter 18.790; 3) Revised findings are required for the proposed curb tight sidewalks on SW 74th Avenue and also for the cul-de-sac standards to address the relevant criteria of TCDC Chapter 18.370.C.11; and 4) Additional findings related to the landscape protection criteria of TCDC Chapter 18.745.030.E. A full copy of LUBA's Final Opinion and Order can be obtained from City Hall at cost, or is also available online at <http://luba.state.or.us/pdf/2004/aug04/03194.htm>.

LOCATION: 9750 SW 74th Avenue; WCTM 1S125DC, Tax Lots 300 and 400. **ZONE:** R-4.5: Low-Density Residential District. The R-4.5 zoning district is designed to accommodate detached single-family homes with or without accessory residential units at a minimum lot size of 7,500 square feet. Duplexes and attached single-family units are permitted conditionally. Some civic and institutional uses are also permitted conditionally. **APPLICABLE REVIEW CRITERIA:** Tigard Community Development Code Chapters 18.370, 18.745, 18.790 and 18.810.

- a. Mayor Dirksen opened the public hearing.
- b. Statement by City Attorney – City Attorney Ramis read a statement, which he noted is read at the beginning a land use hearing in order to provide some instruction about the procedures to be followed in a land use case. If during testimony, anyone has a question about process or procedure, he asked that the question be directed to the Mayor and either the Mayor or City Attorney will try to assist and answer the question. The statement included instruction on:
 - Any person may offer relevant oral and/or written testimony. Oral testimony may be offered only by a person who has been asked to speak by the Mayor. Please make sure testimony is relevant to applicable standards for the item in question.
 - Tonight's hearing is confined to the four issues identified by the Land Use Board of Appeals, which the Mayor read in the earlier statement.

- The Council's role in this hearing is to make a land use decision applying the existing laws of the City of Tigard City. The Council cannot change the law with a land use application now under consideration.
- Members of the City Council will be asked whether they have any potential conflicts. If a Council member has an actual conflict, the Council member cannot participate.
- Council members must declare any contacts about this case with members of the public.
- Council members must also declare if they have independent knowledge of relevant facts such as from a visit to the site in question.
- A Council member who describes ex parte contacts or independent information may still participate in the decision.
- After the discussion of conflicts of interest and ex parte contacts, any person may challenge the impartiality of the City Council and may rebut the substance of the Council member's knowledge of the facts. The Council member in question may respond to the challenge.
- A copy of the rules of procedure for the hearing and copies of agendas for today's hearing are available at the entrance to the hearing room.
- The staff report for this item has been available for viewing and downloading on the City's website. A paper copy of the staff report has been available in the Tigard Public Library for the last seven days.
- Tonight, City staff will summarize the written staff report. Then the applicant and those in favor of the application will testify. After that, witnesses who oppose the application or who have questions or concerns may testify. If there is opposition or if there are questions, the applicant can respond. The Council members may also ask the staff and witnesses questions throughout the hearing until the record closes.
- After all testimony is taken, including any rebuttal, the applicant can make a closing statement.
- After the record is closed, the Council will deliberate about what to do with the application. During the deliberations, the Council may reopen the public portion of the hearing, if necessary, to receive additional evidence before making a decision.
- You must testify orally or in writing before the close of the public record to preserve your right to appeal the Council's decision to the Land Use Board of Appeals.
- Failure to raise an issue clearly enough so that the Council understands and can address the issue precludes an appeal on that issue.

- Failure to raise Constitutional or other issues related to proposed conditions of approval with sufficient specificity to allow a response precludes an action for damages in Circuit Court.
- Please do not repeat testimony offered by yourself or earlier witnesses. If you agree with a statement of an earlier witness, please state that and add any additional points of your own.
- You have the right to respond to new evidence presented at the hearing.
- You may request that the hearing be continued or the record held open in order to respond to new evidence.
- Demonstrations from the audience are prohibited. Please refrain from them. Comments from the audience will not be part of the record, so you need to make sure that any comments that you make are picked up on the tape at the desk at the front of the meeting room.
- When you are called to testify, please come forward to the table. Please begin your testimony by giving your name. Please spell your last name and give your full mailing address, including zip code.
- If you represent someone else, please say so. If you have any exhibits you want us to consider you must hand new exhibits to the City Recorder. The exhibits will be marked as part of the record. The City staff will keep exhibits until appeal opportunities expire, and then you can ask for them to be returned.

c. Community Development Director Hendryx introduced the following staff members: Development Review Engineer McMillan, Planning Manager Bewersdorff, and Associate Planner Tracy.

d. City Attorney Ramis asked the following questions:

Does any member of the Council wish to declare an actual or potential conflict of interest? None declared.

Does anyone wish to declare any ex parte communication? Mayor Dirksen declared he made a site visit last week for the purpose of observing the current condition of the site. Councilor Wilson and Councilor Harding also reported they visited the site. There were no challenges to any Council member's ability to participate in this decision.

c. Staff Report:

Associate Planner Tracy listed the written testimony received by staff after the generation of the staff report, prior to this hearing:

- E-mail from Marilyn Ferrara (2/8/05)
- E-mail from Carol Paddock (2/8/05)
- Letter from Jim Labbe from the Portland Audubon Society (2/3/05)
- Kurahashi & Associates transmittal – Washington County Street Standards, submitted by John Frewing on February 4, 2005.

The above items were distributed to City Council.

Associate Planner Tracy advised that the subject of the public hearing was for consideration of additional findings to supplement the Council's prior approval of the Ash Creek Subdivision. The findings respond to four issues raised by the State Land Use Board of Appeals (LUBA). This matter before City Council is strictly limited to the four issues remanded by LUBA. The remainder of the decision has been approved. To the extent the material discussed tonight does not supplement or supersede the previous findings, those previous findings stand. An outline of the PowerPoint presentation to the Council is on file in the City Recorder's office.

Associate Planner Tracy gave an overview and background of the hearing process. This application is for a 29-lot subdivision submitted in the summer 2003. The applicant has proposed a planned development to cluster the home sites outside the drainage way, Ash Creek, and reduce front yard setbacks to limit the extent of disturbance to the area adjacent to the creek. In addition, a private street cul de sac was proposed to serve 23 units, and in order to use a private street serving more than six units, a planned development was required.

The Planning Commission heard this matter on July 7, 2003. After deliberating, the Commission voted 4 in favor, 4 opposed. As a result of a tie vote, the Commission Rules of Order stated that the application was denied. Since the application was denied without findings, the applicant appealed the decision to the City Council for its consideration.

Significant public testimony was received at its August 12, 2003, hearing, which caused it to be held over to September 9, 2003, and another hearing on October 28, 2003. Council ultimately approved the application with 51 conditions of approval on November 4, 2003. The application was appealed to LUBA on November 25, 2003. The appeal cited 25 errors and sub-errors in the decision. On August 20, 2004, LUBA issued their decision that 21 of the 25 errors were rejected, one was sustained and three others were sustained in part.

LUBA found that insufficient justification was provided for four issues. The four issues are:

1. The City's acceptance of a lower "K" value for the vertical sag on SW 74th Avenue. A "K" value is a mathematical expression of the severity of steepness of curve. It's an engineering term used to describe a tight curve. The lower the number, the tighter the curve. Typically roads designed for 25 mph speeds are required to have a minimum "K" value of 13.4 based on the City's design manual. The applicant in this case has proposed a curve of "K" value of just over 5. A design of the stream crossing of the conforming curve would negatively impact existing public facilities and natural resources. Below SW 74th Avenue right of way, the City of Tualatin has a 36-inch main water line, which is adjacent to the proposed crossing are the stream and wetland areas. The placement of significant additional fill would make maintaining the Tualatin main water line difficult and would also require a greater width of fill to maintain a maximum of 2:1 slope for each side of the road to support the road bed.

The City's street design manual was not intended to cover every type of situation and clearly states this in the preface of that document. The City Engineer may consider deviations of these standards based on topography and other existing physical conditions. These designs must conform to standards of engineering principles such as the American Association of the Society of Highway and Transportation Officials (AASHTO). AASHTO permits a minimum "K" value of 5 with a reduced 15 mph speed limit. In this case, staff agrees that the applicant's proposal to design the curve for a 15 mph speed will result in the closest conforming design with the least impact on existing physical conditions. Therefore, the City Engineer has accepted the modification with the condition that signage be placed on both sides of the curve advising drivers to slow to 15 mph through the curve and that the street be monitored for a year after its construction to determine whether any additional measures are needed. The cost of these measures will be borne by the applicant and a condition of approval is imposed to that effect.

2. Lack of a Tree Plan. There are four elements required. A Tree Plan was not initially required because it was the position of staff that parcels with timber deferral status were not required to have a Tree Plan since the timber deferral allows the owner to harvest trees for commercial purposes without a permit. LUBA, however, rejected this position and instructed the applicant to prepare and submit a Tree Plan.

The applicant had a surveyor and arborist inventory trees on the site greater than six inches in diameter. The Council received a copy of the Plan showing trees to be removed and trees to remain. The other elements of the Tree Plan include a tree removal plan, a tree protection program, and tree mitigation program. The Plan shows 893 total trees greater than 12 inches diameter; of those, 115 are deemed hazardous, 321 are proposed for removal and 457 viable trees are proposed for retention (about 59 percent of the total).

Based on a previous LUBA case, Miller vs. the City of Tigard, Tree Plans may no longer be adjusted in the field to account for site-specific issues. Subsequent changes require reapplication through a public-review process. As a result, applicants generally show the worst-case tree removal scenario to provide the greatest flexibility rather than show an optimistic plan that would back them into a corner later during construction. However, in light of this, to encourage the applicant to retain even more trees, staff has recommended a condition that will credit saved trees from the final mitigation calculation. In other words, if during construction, the applicant retains and protects healthy trees that were previously indicated for removal, these caliper inches will be credited back against the mitigation bond. To insure that the trees that are saved are protected after the homes are sold, staff required that deed restrictions be placed on each lot, restricting trees greater than 12 inches from being removed by property owners unless they are dead or hazardous.

3. Insufficient analysis to grant adjustments to cul de sac and planter strip requirements. In this case, the cul de sac was proposed to serve 23 units; the maximum allowed is 20 units. The length of the cul de sac is limited to 200 feet by the Code and the applicant's proposal was 570 feet. There is a requirement for a five-foot wide planter strip on public streets. The applicant was proposing a curb-tight sidewalk in the area on 74th Avenue where it crossed over the stream to reduce the street width. LUBA found that the City had addressed many, but not all of the criteria, for the requested adjustments. LUBA also noted the City had applied one set of adjustment criteria, generally for subdivisions in a general set of criteria instead of the more specific criteria for street improvement adjustments. To respond to this, the applicant has provided comprehensive planning for both sets of criteria and staff also searched the existing text as to what the Development Code would permit for tight sidewalks in light of the adjacent water resource without the need for an adjustment. These findings are

contained in the staff report, which was sent to the City Council in the packet material for this item.

Staff found that both the general and specific criteria for granting the adjustments are met and, therefore, did not recommend any additional conditions of approval for this particular issue.

4. Insufficient evidence to demonstrate that the landscape protection criteria are being met. The applicant's arborist's tree protection guidelines were submitted to the City Council in the Council meeting packet. The arborist, Terry Flanagan, is a certified arborist and provided a detailed program for tree protection measures. Development Code Chapter 18.745.030 E. provides that:

Existing vegetation on a site shall be protected as much as possible:

1. The developer shall provide methods for the protection of existing vegetation to remain during the construction process; and
2. The plants to be saved shall be noted on the landscape plans (e.g., areas not to be disturbed can be fenced, as in snow fencing which can be placed around individual trees.

The applicant's arborist report includes specific methods for protection of the trees on site. This includes protection fencing established around individual and groups of trees and under story vegetation in their critical root zone will also be protected by this fencing.

Clean Water Services also requires the drainage way be protected from encroachments as well. Staff proposed four additional conditions to address this issue:

1. Construction documents will include a construction sequence as well as the arborist's protection requirements including tree protection fencing around the critical root zones of the trees to be retained.
2. Regular monitoring of tree protection by the City Forester and regular status reports from the project arborist will be required every two weeks.

3. Failure to follow the Plan and maintain tree protection on the site shall be grounds for suspension of work until remediation steps are taken, including civil citations.
4. Each building permit will be required to submit site plans showing tree protection consistent with the overall tree protection plan, along with an approval from the project arborist approving the placement of the structure and construction techniques to be employed when building the house. The protection plan shall remain in place for the duration of home construction and may only be removed after approval by the City Forester.

Associate Planner Tracy reported that he has received many comments about the tree protection issue. Many in the public have expressed that the tree removal plan did not show enough trees being preserved. The applicant will need to speak to this. In light of the Miller vs. City of Tigard decision, the applicant is showing a worse-case scenario and the intention is (and the arborist report states) that as the homes are sited, the trees that are left on the lots will have homes built around them. An effort will be made to retain the largest number of trees on each lot.

Associate Planner Tracy said it was important to note that the findings contained in the staff report go into much greater detail than what has been presented in his summary. In consideration of the findings in the report and the testimony the City Council will receive, the City Council has several alternatives:

- The City Council may adopt staff's findings and conclusions as provided.
- Modify the findings based on the evidence received during this hearing process.
- Request additional evidence to support other findings.
- Decide the applicable criteria have not been met and prepare findings to deny the request.

d. Public Testimony

Mayor called for public testimony. Consensus of Council was for a three-minute time limit for individual testimony.

Proponents:

- Dale Richards, 12655 SW North Dakota, Tigard, Oregon, testified as the owner of Winwood Construction Company. Mr. Chris Koback, 1300 SW 5th Avenue, Portland OR 97212, accompanied Mr. Richards and advised he was representing Mr. Richards and his company. Mr. Koback said that when LUBA came down with its decision, their reaction was to go to staff and say "tell us what you need us to do." Staff told the applicant what they wanted and the applicant has done it. All that was done with the City of Tigard staff is incorporated in the staff report and Mr. Koback urged the City Council to follow it.

Mr. Koback said there were two issues he wanted to address:

1. What is the impact on the wetlands if the 25 mph speed through the sag curve is maintained. Mr. Koback referred to two large drawings which show the impacts. These drawings were set up for City Council view and labeled as follows:

Exhibit 1 – Ash Creek Estates PD – 74th Avenue
Plan/Profile – Dale Richards, Winwood
Homes – Sheet 1 of 2

Exhibit 2 – Ash Creek Estates PD – 74th Avenue
Plan/Profile – Dale Richards, Winwood
Homes – Sheet 2 of 2

Mr. Koback described the drawings. One drawing showed the amount impact if the 15 mph modification is applied. Less fill will be needed. If the 25 mph speed was adhered, the other drawing showed that significantly more fill would have to be used, which would have additional impact on the wetland and stream. The drawings were presented to supplement the staff report to illustrate what the applicant was trying to avoid by working with the City Engineer to modify the standards. Mr. Koback said he understands the City of Tigard standards are based on the Washington County standards, which allows the 15 mph speed.

2. The Tree Plan submitted is a worse-case scenario. Mr. Richards has the bond for mitigation and every incentive to avoid cutting trees. The worse-case scenario was done because of the Miller case and the applicant would not want to come back through a public process for a modification if he wanted to cut more trees. This way, there is incentive built in so that if a tree does not have to be cut, there will be a direct

economic impact on Mr. Richards and his development company. The goal is to cut as few trees as possible.

In response to a question from Councilor Wilson, Mr. Koback pointed out the location of the Tualatin water line.

- o Gregory Kurahashi, Kurahashi & Associates, 15580 SW Jay Street, Beaverton, Oregon 97006, pointed to the location of two water lines. One of major concern is a 36-inch water line, which is the main feed for the City of Tualatin. Mr. Kurahashi described the location of the water line. In response to a question from Councilor Wilson, Mr. Kurahashi said there was a vertical exaggeration as shown on the drawing.

Councilor Harding commented that the K value would only stand up if the traffic if, in fact, is maintained at 15 mph in that dip. Mr. Kurahashi responded that the K value was developed based on ability to see without headlights. On a crest vertical curve, you cannot see anything past a certain point, because the headlights do not shine on it. On a sag vertical curve you can see things if there are street lights. Mr. Kurahashi referred to the Washington County documentation sent to the Council. This documentation says "you can even go lower than the 5 at a 15 mph limit. It's really related to the fact that you will not be able to see it without lights. So, since there will be street lights...you can actually go lower than the 5 at a 15 mph speed limit." Councilor Harding responded, "That's if 15 is maintained, am I correct...if it's higher than, then that would affect the K value, right?" Mr. Kurahashi confirmed that the K value is based on a speed of 15 mph or less, but it wouldn't necessarily pose a safety problem at more than 15 mph.

Mr. Koback said that, while they hoped everyone would travel at 15 mph, the City Engineer made a recommendation to monitor this and if it's not working, the City Engineer has retained the authority under that condition to require something else. It might be necessary, in the future, to have additional signs including a stop sign to make sure people slow down at that point.

Councilor Harding noted during a site visit to SW 74th, she saw a sign that said to slow down – children playing. From this, she got the sense that speeding at this location is already an issue. She noted her concern that the 15 mph limit be enforced from the beginning. Mr. Koback noted that this would be monitored and if there is a problem, then some adjustments will be made in accordance with the City Engineer's recommendations.

- o Walt Senn, 13323 Meridian Avenue, North, Marysville, Washington 98271 testified that his mother owns the property under consideration. He said he spoke to the Council over a year ago on this same issue. He said could not really add anything to the four remaining issues, but, as he mentioned before, his parents bought this property in 1950. His mother will be turning 90 years old in April and this has been going on too long. He said someone ought to be able to sell their property if they want to under certain restrictions. Mr. Senn noted the Council approved this development over a year ago and "because we have some people in the neighborhood that don't want the development...their property was developed someplace along the line...would they like to just take their property and their house down and start over? I think it's immoral what these people are putting my mother through. She should have been able to have sold this property years ago, but because we have some tree huggers in the area that don't want to see this developed...they'll do anything they can to stop it. I just think that they have put her through enough. She ought to be able to sell her property and do something with the money. Again, she's almost 90 years old and she would like to sell the property and have some enjoyment out of it. I can't add anything to the four issues that are up there except that I urge you to pass this and let's get on with it."
- o Connie Coleman, 9750 SW 74th Avenue, Tigard, OR 97223, advised Mr. Senn is her brother. She said that there is some information she wanted to relay to the neighbors, which is pertinent to the issue of retaining trees. Ms. Coleman said that her mother, as the neighbors will recall, had been approached by Metro to purchase the property. She was in favor selling it to Metro because she did want the trees to be kept in the neighborhood. Metro made a deal with her mother on a Friday evening. Metro personnel spoke with Ms. Coleman on a Sunday and confirmed that "it'll be a deal...the City of Tigard will not have to be involved...." On Monday morning, Metro representatives called Ms. Coleman and cancelled the deal to purchase the property. Ms. Coleman said her mother then found a builder who would retain the trees and construct nice homes. Ms. Coleman said she thought from earlier testimony the neighbors should know what exactly had transpired so they could look at this more positively – her mother is not trying to destroy the neighborhood, she's trying to retain the trees.

In response to a question from Councilor Woodruff, Ms. Coleman said she did not know why Metro pulled out of the deal. She said

at first it was to be 75 percent Metro money and 25 percent City of Tigard money/sewer money. The Metro person she talked to on a Friday told her it looked as if the deal could be put together without City of Tigard. When she was contacted the following Monday, Metro did not tell her why they would not pursue. Ms. Coleman said she thinks the neighborhood has a lot of misconceptions as to what had happened and if the neighbors have issues, then they should talk to Metro, rather than take issue with her mother.

In response to a question from Mayor Dirksen, Community Development Director Hendryx advised that the Metro effort to purchase the property took place a couple of years ago. Mr. William Edy of Metro was involved. City of Tigard staff worked with Clean Water Services and Metro to determine if there was a method for purchase of the property, but due to the limitations on funding, the purchase was not possible.

- o Karen Schuster, 2720 NE 85th Circle, Vancouver, WA 98665, advised Ms. Coleman is her sister. She referred to the four issues under consideration at this hearing and said she wanted to say again that the family has owned the property since approximately 1950 and they are concerned about the Tigard community. She said "We, too, are taking care of the community. And, as Connie indicated, we did our utmost to work with the preservation of the property as it is and it was to no where. Looking at the best possible option for everybody sitting here...everybody sitting here in this room most likely is living in a home that was built on property that at one time had trees, was before rules and regulations with environment.... And, now my mother, she'll be 90 on April 12 ...is asking for the opportunity for what others have done in the same scenario while at the same time preserving this gorgeous piece of property that will be an asset to the community, because we are taking care of the community by this approach with Mr. Richards. He is a very responsible builder. He has a tree mitigation plan firmly in place. We are willing to work with the community and offer not only an income source, but a beautification to the City and I think that's very, very key. There is a large open area on the property...we are looking at 59 percent of trees going to be retained..." She said the best option for the community would be to allow Mr. Richards to develop this property; he has the plans and the know-how.

Opponents:

- o John Frewing, 7110 SW Lola Lane, Tigard, OR 97223 advised he had prepared testimony but to begin, he said he wanted to look at new evidence offered by the applicant. He said he wanted to have time to study and comment on it. City Attorney Ramis affirmed that Mr. Frewing could delay his testimony until he had an opportunity to inspect.

Mayor Dirksen proceeded to others signed in to give testimony to allow Mr. Frewing an opportunity to review Exhibits 1 and 2 submitted by the applicant as noted above.

- o Ned Lesnick 7140 SW Lola Lane, Tigard, OR 97223 signed in to speak, but did not come forward to testify.
- o Marilyn Ferrara, 7140 SW Lola Lane, Tigard, OR 97223 signed in to speak, but did not come forward to testify.
- o William Iron, 9780 SW Ventura Court, Tigard, OR signed in to speak, but did not come forward to testify.
- o Bob Storer, 7225 SW Ventura Drive, Tigard, OR asked if it was possible to yield his time to John Frewing. Mayor indicated this would be acceptable. Mr. Storer's written testimony was submitted to the City Recorder.
- o Ron Ellis Gaut, 10947 SW Chateau Lane, Tigard, OR said two Council goals related to this issue. He saw an opportunity to work toward a creative solution for a Council goal to acquire park space. He said it was possible that this might still be an option. The Council, based on the LUBA decision, could decide to disapprove the development and then actively engage with the property owners to provide them with a financial return on the sale of the property with the acquisition of the property for park space. He urged the City Council to consider whether planned developments really should be of mutual benefit for both the property owners and the people of Tigard who have to live with the results of planned developments. He said it was an option for the City Council to deny this application. He asked for the City Council to strive for a true "win/win" solution for the people of Tigard and the Sim's.
- o Sue Bielke, 11755 SW 114th Place, Tigard, OR 97223, noted she had a lot of concerns with this development. An outline of some her remarks as well as two photographs are on file with the City Recorder. City Council members viewed the photographs during Ms. Bielke's testimony. She referred to her review of some of the

past planned developments. The plan under consideration had originally been showing a complete clear cut and saving of few trees. She noted the site has extensive wetlands, a creek, steep slopes, numerous drainage problems, and slumping. She said "it just can't be done." Ms. Bielke said she looked at many other developments in Portland and has seen developments in Portland where a clear cut of trees has occurred to construct the number of houses that were wanted to be built. When this happens (referring to a site on Mt. Scott), remaining trees die because the hydrology has been changed so greatly. Ms. Bielke asserted that when you come into an area such as this to put in a long cul de sac and homes with the clear cut, you cannot sustain this kind of development. She urged the City Council to think about these problems.

Ms. Bielke said similar problems have occurred on Bull Mountain where the City has had to come back after all the development is done under the CIP process and "we have had to pay for it, not the developer, but us." This costs the City thousands of dollars. She urged the City Council to think about this, "because we are going to run into the same problems."

She noted that Ash Creek runs through the site. Other subdivisions are being built "and this creek is being hit really hard." She asked the City Council to think about the whole purpose of the Planned Development Code to preserve to the greatest extent possible the existing landscape features and amenities through the use of planning procedures that can relate the type and design of a development to a particular site. She said the current plan does not make this possible. She said the application does not meet the Code. The purpose of the Code is to make sure that what you do meets this and if you are going to design an area, you want to make sure that all of the details "are going to end up with that end result" and that can't happen.

Ms. Bielke referred to Tigard Municipal Code (TMC) 18.745.030, regarding the Tree Plan. The application does not meet the requirements of the Code. She cited TMC 18.790 and said in a conversation last year with Colin MacLaren of Clean Water Services and he pointed out that the developer did not have permission to remove 74 trees from the sensitive lands area. She said this needs to be addressed because, as far as she knows, this has not been approved by Clean Water Services.

Ms. Bielke said she spoke to someone at Three Rivers Land Conservancy who tried to work with the Sims, Metro Parks and

Greenspaces to purchase this site a number of years ago. Ms. Bielke said she also talked to Metro. She confirmed that Metro did try to purchase the site. The problem was that the City of Tigard said it did not have adequate funds, so the deal fell through. She understands the Senns' position and she said "we are not quote "tree huggers"; we truly care about the land, the neighbors, and the people that own that the site. So, my proposal is Council to think about this site. If you've looked at it, it's one of the most unique sites in Tigard left and that is why we would like to have it purchased as an open space, as a parcel, as an actual resource that the entire City can enjoy." She said if the development goes through, the open space will not be open to the public, but just available to the people that live in the development and that is not a good thing.

Councilor Woodruff asked staff if it was their understanding that there are 74 trees that are to be removed from sensitive lands and there has not been approval for this from Clean Water Services? Associate Planner Tracy said there were areas on the original tree removal plan that indicated trees were to be removed from steep slope areas, which were considered part of the sensitive lands. He said does not believe that Clean Water Services regulates steep slopes. There are also trees within the area of the stream crossing where the road is being constructed that would be removed. Associate Planner Tracy said from his recollection CWS approved the stream crossing. He said CWS does not get to the specific level of approving or not allowing the tree removal.

- Alice Ellis Gaut, 10947 SW Chateau Lane, Tigard, OR 97224, said she has never heard anyone vilify Mrs. Senn for trying to sell the property and no one feels that this is something she should not have done. The dispute is really how the property is being developed. A Planned Development, historically has a different philosophical underpinning than a subdivision and it contemplates a quid quo pro and that quid quo pro was essentially expressed "as the ability to grant flexibility in exchange for having a superior living arrangement...and require Planned Developments preserve, to the greatest extent possible existing landscape features and amenities." She said "we encourage development that recognizes the relationship between buildings, use of open space and access ways. The Senn property has long been recognized as one of the highest quality natural areas in Tigard and this value should figure prominently in your deliberations, especially as to the landscape preservation and the tree removal and protection and mitigation section. Tree mitigation, as we know, can require both onsite and offsite. And, we are looking at

this site, as three of you did, and when you look at the tree plans, particularly, the succession of tree plans that have been submitted for this project over the last several months, notwithstanding the fact that the Miller decision has encouraged the developer to overstate the need to remove trees, when you look at where those trees are targeted for removal, and these are mature trees, they are very, very close to that steep slope. And, my view to allow that condition, that tree plan to pass muster would be to endorse a needless degradation of this resource."

Ms. Ellis-Gaut said, "As Mr. Ramis emphasized backstage before the show this evening, in the nice presentation he gave about the land use statutes, in the Planned Development context, because that flexibility is inherent in making it work at all, you have the discretion to tailor the conditions according to your assessment of the facts, the issues... As you Mr. Mayor and Councilors Wilson and Sherwood will recall, from personal experience, there are many citizens both adjacent to this development and citywide who have said plainly for nearly two years that we would really like to see this natural area protected. That is the quid we are requesting for the quo's that have already been granted. You have an opportunity to redirect and realign that relationship and a second chance. Please fashion a solution that works for Tigard citizens and honors our duty as a community to protect our environment from tragic and irrevocable loss."

- Brian Kelly, 7045 SW Ventura Drive, Tigard, OR, testified that most of his concerns had been covered. He asked the City Engineer if a mitigation plan had been included. Associate Planner Tracy said the mitigation plan does not include a landscape plan specifying where trees are going to be planted. The plan is more of a statement, rather than a drawing. Mr. Kelly said his concern was that there are numerous locations where trees down the slope are slated for removal. In many areas there seems to be a good compromise to try not to remove trees, but was concerned about other areas. He noted the steep hill and advised of his concern with erosion of the hillside and the condition of the stream. He said he hoped that controls would be put in place that would be adequate.
- John Frewing, 7110 SW Lola Lane, Tigard, OR 97223 advised he was not ready to testify. He looked at the exhibits and he has 16 comments, some big and some small. He asked that the record be left open for seven days.

Mr. Frewing said he would like to integrate his new comments with written comments. He noted he has 20 pages of written comments plus some handouts for the Council. He said, however, that he would only give one comment to the Council this evening and said, "Regardless of your deliberations and decision on the seven-day extension in order to comment on this new evidence, I would like to integrate these comments, the new evidence comments, with my comments and give the balance to them at a later time. Let me give you the one comment that I think that is both simple and clear. A general theme throughout the 60-some comments is that you've been given a very varnished product by staff and by the applicant that has all kinds of warts hidden underneath it. And, I've got a number of examples...I only want to show you one right now...The applicant's lawyer rests his case on use Washington County and State of Oregon standards for street design. The Oregon standards do not exist as evidence in this proceeding, and they apply for many different settings than only a city. I believe they are irrelevant to this case. The Washington County standards are of limited applicability because they cover a very large rural area with small roads, quite different from the urban setting of Tigard. However, only in your packet because I gave it to Morgan the other day, is a copy of the Washington County standards, which Greg Kurahashi transmitted on 11/15/04 to the City saying that Chris wanted it. I presume that refers to Mr. Koback. Clearly stated at the bottom of Page 27 on those Washington County standards...talking about, well, there's some flexibility, but in no case shall the design speed for the alternative designs be less than 20 mph for local roads and 15 mph for alleys. 74th, in this case is not an alley. It's a local road. I think it was called residential in the Tigard terminology. It's classified as a Neighborhood Route, a local street, on the City of Tigard Transportation Plan, and that is documented in the record of the prior hearing at Page 84. Hence, there is explicit guidance at the County level that the proposed vertical sag curve is too sharp and violates their standards as well as those of Tigard. So, that's my one comment and I would like the opportunity to submit these comments when I integrate this material. I presume I'll be able to look at this material at City offices in the coming days." Mr. Ramis confirmed that the exhibits would be available.

Councilor Wilson said he thought he heard AASHTO as the standard. Mr. Frewing said that AASHTO is a national organization that writes standards and cities, counties, and states pick up what they want out of them. In the case of Tigard, "Tigard has picked up this business about 25 mph speed limits for local

streets. That's also a general state standard. There are deviations allowed. I can tell you in the case of Washington County their general standard is also 25 mph, but they allow some deviations down to 20 for streets and down to 15 for alleys. This is main through-street on the Tigard Transportation Plan and should be considered as such."

Councilor Wilson asked if Mr. Frewing would prefer to see the grade raised 13 feet, placing more fill into the creek? Mr. Frewing said he would prefer adherence to the design for a 25 mph street and place a bridge across South Fork/Ash Creek.

Councilor Sherwood referred asked for clarification on Mr. Frewing's position about a bridge vs. a culvert. Mr. Frewing said the Oregon Department of Fish and Wildlife provides specific guidance with regard to protecting riparian and stream habitat and bridges are preferred over culverts. He said he believed it was true that in order to protect this particular habitat on this stream a bridge is better than a culvert. The Tigard Trail Plan shows an Ash Creek Trail (not yet developed). Mr. Frewing said he thought the plans were to buy, in the next year, some land at the bottom of Ash Creek. He said it was his hope that the Ash Creek Trail would work its way up to this point. He said the extended piece of greenway along here provides a wonderful opportunity for Tigard to have some more open space, which is one of the Council's goals for the next year.

Mr. Frewing said, "I overheard some comment about buying the property, both from the Senn ladies and an earlier testifier here. And, it's my knowledge, my personal knowledge, that Mr. Richards told me on August 12, '03...which was a hearing before the City Council...that he had offered the natural area, the drainage way, the buffer zone to the City for free and the City turned it down. Now, this is some four acres of greenway for the City and I then asked...Dan Plaza if that were true and he said yes. He said he referred it to his boss, his supervisor, and never heard back and nothing ever came of it...I admire you guys for trying to take charge of the City. It's a big job. I don't demean it at all. But, you're not getting the full story. Ask, inquire to staff, find out what happened to that offer, why was it turned down? I think there's an opportunity here to make something good for Tigard...to make Tigard great, we've got to do some good things. This is a tremendous asset for this part of Tigard. The closest park for the people who live nearby is Victory Park down at Main Street and Highway 99W; that's not exactly neighborhood."

- William C. Iron, 9780 SW Ventura Court, Tigard, OR spoke at this time (signed in earlier). Mr. Iron said he supported Mr. Frewing's comments 100 percent.

Rebuttal

- Mr. Koback said they would not consent to any extensions. He said he interpreted the Oregon State Statute to require an extension after the first evidentiary hearing and this is not that. He said there was no entitlement to an extension and they oppose it because this has dragged on long enough.

Mr. Koback commented about the testimony about the purposes of a PUD and preserving trees to the extent possible. He reminded the City Council that those issues were decided by LUBA in favor of the applicant, upholding the City's findings. They are not an issue on remand.

Mr. Koback referred to a comment about clear cutting of the site. He said he did not think there was any evidence in the record to support the notion that this site is being clear cut. 59% of the mature trees are being preserved. The tree plan complies with the Code and staff has told City Council that the Code does not require that all of the shrubs be shown. The tree plan may show some trees being removed and he did not think they were all on slopes. The only trees being removed on the tree plan are for when it's necessary for the street improvements. Also, if trees are dead or decaying, the trees will be removed – that determination will be made by the arborist. There is no plan to remove trees for the sake of removing trees.

Mr. Koback said Mr. Frewing made a couple of points that need to be rebutted. The design speed of less than 25 mph will be addressed by Mr. Kurahashi. It was Mr. Koback's understanding that Washington County does say that you shouldn't design streets for less than 25 mph. Mr. Koback said they are not proposing that at all. The street is designed at 25 mph; there's just a narrow area where they were asking for a modification for the very reason that Councilor Wilson asked the question. The impacts to the wetland are significant if they don't. So, they were not proposing a design of 20 mph or less on any street; they were just asking for a modification for an exception in one area and the facts warrant it. Mr. Koback said that a bridge over this area was discussed and was mentioned in the staff report. If there was a bridge constructed and the water line failed under the street, the bridge would have to be removed to fix the water line – it would

make fixing the water line a significant issue. If the water line is under a limited amount of fill, it can be fixed by digging a trench, which would be a less costly way for repair. This is why a bridge was not pursued.

Mr. Koback said, "my last comment goes to who Dale Richards is and what he is all about. He did offer to give the wetlands – the area that wasn't being developed – I think it was about five acres to the City for a park. I think that's a generous offer. Developers don't have to do that. He did it because he wants the use of the property as a developer and he's not shy about that, but to the extent he can give back to the City, he is willing to do it. He's a responsible developer and I think the plans and the staff report that you have show that. So, we would ask that you adhere to your staff report, the recommendations, and approve the development based on the findings that are contained in the staff report."

- Greg Kurahashi referred to the discussion of the water line vs. the bridge. He said he has taken the issue and argument to the DSL and the Corps of Engineers, explaining why the applicant wants to do a fill rather than a bridge. He noted it is difficult to maintain a 36-inch waterline. It's also difficult to cross an area that is a natural area. One of the reasons water lines are placed in public streets is because they are hard to maintain. Water lines need to be monitored to avoid problems. In his talks with DSL and the Corps, he explained why they wanted a culvert rather than a bridge in this area: issues of maintenance, safety, and what would happen if there was a failure. DSL and the Corps agreed with Mr. Kurahashi about the culvert rather than a bridge. They allowed it also because it was a short culvert. He talked about the amount of fill and the requirements for the culvert. He also talked about how the project was designed to help with maintenance of the water line. Mr. Kurahashi noted the impacts to the wetland and trees that would have to be removed for the culvert.

Mr. Kurahashi addressed the issues regarding the speed limit and said the proposed modifications are allowed all of the time because of local conditions. He noted that there are many areas in other jurisdictions and in Tigard that cannot meet the standards. In this case, there is a house with a steep slope and the street cannot be lowered. The water line is also an issue with regard to its ability to withstand the weight of the load by more fill that would be needed for a road.

Mr. Kurahashi addressed the issues regarding vertical curves. Washington County allows what the applicant is requesting. There are 15 mph locations allowed under certain conditions.

Mr. Kurahashi addressed issues involving trees. He said he was not sure where 74 trees were missed. It could be trees being removed for fill or some misunderstanding about how they relate to the overall area in the wetlands, sensitive areas, and slopes. All trees on the banks are being saved. He said hazardous trees would be cut.

Councilor Harding noted information she read that said the bridge was much too expensive to construct. She said she would like to review this more closely.

- e. Staff Recommendation – Associate Planner Tracy said staff is recommending that City Council direct staff to prepare a final order for Council's next meeting to adopt the additional findings in support of the approval for the Ash Creek Estates Planned Development.

City Attorney Ramis made a procedural suggestion. Whatever the statute may say about automatic continuances, it is within the City Council's discretion to decide how to handle these requests. One possibility that would still allow the City Council to decide the case by the March 13 deadline would be to:

1. Close the public hearing in terms of oral testimony at this time.
2. Continue the matter for deliberation until the City Council hearing on February 22.
3. Allow the parties to submit argument and evidence in writing on the following schedule:

Allow opponents' written evidence and testimony to be submitted until Monday, February 14.

Allow applicant to respond with any written evidence, written argument and final summation until Monday, February 21.

City Council would take the matter up for deliberation on February 22.

The difficulty with the above schedule is that the City Council would have only one day to review the information that would come in from the applicant.

Mayor Dirksen asked City Attorney Ramis that if anyone requests a delay, then the City Council must grant it? City Attorney Ramis said, "No, that's not the case." Mr. Ramis referred to the law at the evidentiary hearing. He said that, in fairness, when new evidence comes in the City Council should create an opportunity for people to respond. The argument being made by the applicant is that the automatic continuance is not available, because this is not the initial evidentiary hearing. Mr. Ramis said he is not aware of a case that tells how this statute is to be applied when there is a remand. There has been a revised application. Mr. Ramis said that the safest course would be to allow the parties who want to provide additional evidence to do so to avoid additional debate about the entitlement to do that. Mr. Ramis said he understands the deadline to decide this case is March 13, 2005, unless there were to be an extension.

Councilor Wilson said that while he would prefer to make a decision tonight, he would support the extension to assure adherence to procedural requirements.

Councilor Sherwood noted she agreed with Councilor Wilson.

Councilor Woodruff said, at the same time, he wanted to be sensitive to the concerns by the owners and the developers about the length of the delay that has already occurred. He supported the delay so the conclusion that is made is the final conclusion.

Councilor Wilson said that this has been a long process and noted that very little that was said to the Council at this hearing dealt with the four issues on remand. He said the greatest concerns were for the trees. He referred to the issues of the curb-tight sidewalk and landscaping, and the issue that came back to the City Council on a technicality with regard to the trees. Councilor Wilson noted that because this was a registered tree lot, the owner had the right to harvest the trees on a portion of the site that was not in the sensitive lands area. The determination was made that if the owner was allowed to harvest the trees, then the owner would not be required to submit a tree protection plan for that portion of the site. LUBA remanded the decision to City Council because the City of Tigard Development Code requires a tree plan regardless of whether there is a tree removal permit or not. The applicant has returned with a tree removal plan as

required. If the record is to be left open, he said he hoped that the additional evidence submitted would relate to those points on remand.

Mayor Dirksen said that the City Council is limited to making a decision on the four issues on remand. The City Council is not allowed to consider any other issue.

Councilor Wilson added that "purchasing a park is just not on the table. It's not something we are being asked to consider here. This is a development process...the owner has certain rights and, among those, is the right to develop his property in accordance with the rules. So, the only question is, 'Is this according to the rules or not?'"

Councilor Woodruff noted there were 58 conditions that were submitted along with this approval, and there were only four them that were sent back to the City Council with concerns. Two Councilors – Councilor Harding and Councilor Woodruff – were not on the City Council when this came up for discussion. Some of the discussion tonight would have been relevant at the beginning of the process and, perhaps, the outcome would have been different. He said, "But, we cannot go back and change history. The Council had approved this request with those conditions, four of them have come back. And, we have to see what we are going to do about those four. I think that's the only thing we can focus on regardless of what our personal feelings are about this and our desire to have more parks and open space..."

Mayor Dirksen summarized that what he heard was a consensus of Council to continue this matter until February 22. City Attorney Ramis asked that the parties follow the schedule he suggested earlier in terms of written suggestions. Community Development Director Hendryx asked that in order to give City Council sufficient time to review all the material, does the applicant need seven days to provide a response? After discussion with the applicant's representative, Mr. Koback, it was determined that the applicant would respond to the City Council in writing by facsimile transmission by Friday, February 18, 4 p.m. and this information will be forwarded to the City Council on Friday.

9. COUNCIL LIAISON REPORTS: None

10. NON AGENDA ITEMS: None

11. EXECUTIVE SESSION: Not held.
12. ADJOURNMENT: Motion by Councilor Woodruff, seconded by Councilor Harding, to adjourn the meeting.

The motion was approved by a unanimous vote of Council present:

Mayor Dirksen:	Yes
Councilor Harding:	Yes
Councilor Sherwood:	Yes
Councilor Wilson:	Yes
Councilor Woodruff:	Yes

The meeting was adjourned at 10:14 p.m.

Catherine Wheatley, City Recorder

Attest:

Mayor, City of Tigard

Date: _____

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AGENDA ITEM # _____
FOR AGENDA OF March 22, 2005

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Appoint Brian Davies to the Park and Recreation Advisory Board and appoint Trisha Swanson as the alternate to that Board.

PREPARED BY: Susan Koepping  DEPT HEAD OK CP CITY MGR OK CP

ISSUE BEFORE THE COUNCIL

Will the Council fill a mid-term vacancy by appointing Brian Davies to complete that term? Since there is currently no alternate to this Board, will the Council appoint Trisha Swanson as the alternate?

STAFF RECOMMENDATION

Appoint Brian Davies to the Park and Recreation Advisory Board, and appoint Trisha Swanson as the alternate to that Board.

INFORMATION SUMMARY

Darrin Marks, who was one of the initial members of the Park and Recreation Advisory Board, resigned when he moved out of the area. After interviewing applicants, the Mayor's Appointments Advisory Board is recommending Mr. Davies to complete the term initiated by Mr. Marks and Ms. Swanson to serve as the alternate to the Board. The Council also expresses their appreciation to Mr. Marks for his service on the Park and Recreation Advisory Board.

OTHER ALTERNATIVES CONSIDERED

none

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Goal: City will maximize the effectiveness of the volunteer spirit to accomplish the greatest good for our community.

ATTACHMENT LIST

Resolution to appoint Mr. Davies and Ms. Swanson
Biographical information on the appointees

FISCAL NOTES

There is no fiscal impact directly associated with this action.

CITY OF TIGARD, OREGON

RESOLUTION NO. 05-_____

A RESOLUTION TO APPOINT BRIAN DAVIES TO THE PARK AND RECREATION ADVISORY BOARD AND TO APPOINT TRISHA SWANSON AS AN ALTERNATE TO THAT BOARD.

WHEREAS, Brian Davies has expressed an interesting in serving on the Park and Recreation Advisory Board, and

WHEREAS, Darrin Marks resigned his position on that Board, and

WHEREAS, there is currently not an appointed alternate for the Park and Recreation Advisory Board, and

WHEREAS, Trisha Swanson has also expressed an interest in serving on that Board, and

WHEREAS, Mr. Davies and Ms. Swanson were interviewed by the Mayor's Appointment Advisory Committee on February 11, 2005

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Brian Davies is appointed to complete the term initiated by Darrin Marks on the Park and Recreation Advisory Board. This term expires December 31, 2007.

SECTION 2: Trisha Swanson is appointed as the alternate to the Park and Recreation Advisory Board for a term that ends December 31, 2005.

SECTION 3: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2005.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

Biographical information on Park and Recreation Advisory Board applicants
March 22, 2005

Brian Davies lives in Tigard near Englewood Park. The Davies family lived in Beaverton before moving to Tigard about two years ago. His work in swimming and outdoor recreation and his educational background will make him a valuable member of the Park and Recreation Advisory Board.

Trisha Swanson lives in the unincorporated area of Bull Mountain. She teaches courses in Management Information Systems and Problem Solving in Complex Organizations, and is an active volunteer in the elementary schools. As a parent of young children, she is interested in the continued improvement of Tigard Parks.

AGENDA ITEM # _____
FOR AGENDA OF March 22, 2005

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Approval of Library Policies

PREPARED BY: Margaret Barnes DEPT HEAD OK MB CITY MGR OK CP

ISSUE BEFORE THE COUNCIL

Tigard City Council to approve policies for the Tigard Library as recommended by the Tigard Library Board.

STAFF RECOMMENDATION

Approve attached policies as recommended by the Tigard Library Board and as stated in the Tigard Municipal Code, Section 2.36.040.

INFORMATION SUMMARY

The Tigard Library Board reviews pertinent policies and procedures annually that relate to the operation of the Tigard Public Library. As it states in the Tigard Municipal Code, Section 2.36.040 Board Responsibilities: To recommend library policies as deemed desirable in the operation and utilization of library facilities to the Council. Over the past several months and including the meeting of March 10, 2005, the Library Board met to review various policies and unanimously approved the policies listed below. The City Attorney has reviewed these documents and has no concerns or issues. The Library Board is forwarding the following policies to Council for their approval:

Cell Phone Policy
Freedom to Read
Library Bill of Rights
Library Borrowing Policy
Internet Acceptable Use Policy
Study Room Use Policy

If adopted, the policies will be incorporated into the Library's policy manual.

OTHER ALTERNATIVES CONSIDERED

None.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

None.

ATTACHMENT LIST

1. Cell Phone Policy
2. Freedom to Read

3. Library Bill of Rights
4. Library Borrowing Policy
5. Internet Acceptable Use Policy
6. Study Room Use Policy

FISCAL NOTES

None.

CELL PHONE POLICY

The Tigard Public Library provides an environment conducive to study and welcoming to all users. Further, the Tigard Public Library is dedicated to providing access to knowledge and information through reading, writing and quiet contemplation, and providing for patrons that right to use materials and services without being disturbed or impeded.

Therefore, the use of cell phones and similar wireless communication devices is not permitted within the Tigard Public Library by public or staff, except in designated areas:

- Main Lobby of the building where the coffee bar is located
- Staff Room
- Meeting Rooms/Study Rooms (groups using these rooms may set their own guidelines) and
- Any area outside of the building

Inappropriate use of such devices is considered disruptive behavior. This policy will be enforced under the Library's Patron Guidelines. The Library reserves the right to ask patrons to leave the building if they are using cell phones in restricted areas or disturbing others in any area of the building.

Adopted by the Tigard Library Board March 10, 2005.

The Freedom to Read

The freedom to read is essential to our democracy. It is continuously under attack. Private groups and public authorities in various parts of the country are working to remove or limit access to reading materials, to censor content in schools, to label "controversial" views, to distribute lists of "objectionable" books or authors and to purge libraries. These actions apparently rise from a view that our national tradition of free expression is no longer valid; that censorship and suppression are needed to counter threats to safety or national security, as well as to avoid the subversion of politics and the corruption of morals. We, as individuals devoted to reading and as librarians and publishers responsible for disseminating ideas, wish to assert the public interest in the preservation of the freedom to read.

Most attempts at suppression rest on a denial of the fundamental premise of democracy: that the ordinary individual, by exercising critical judgment, will select the good and reject the bad. We trust Americans to recognize propaganda and misinformation, and to make their own decisions about what they read and believe. We do not believe they are prepared to sacrifice their heritage of a free press in order to be "protected" against what others think may be bad for them. We believe they still favor free enterprise in ideas and expression.

These efforts at suppression are related to a larger pattern of pressures being brought against education, the press, art and images, films, broadcast media and the Internet. The problem is not only one of actual censorship. The shadow of fear cast by these pressures leads, we suspect, to an even larger voluntary curtailment of expression by those who seek to avoid controversy or unwelcome scrutiny by government officials.

Such pressure toward conformity is perhaps natural to a time of accelerated change. And yet suppression is never more dangerous than in such a time of social tension. Freedom has given the United States the elasticity to endure strain. Freedom keeps open the path of novel and creative solutions, and enables change to come by choice. Every silencing of a heresy, every enforcement of an orthodoxy, diminishes the toughness and resilience of our society and leaves it the less able to deal with controversy and difference.

Now as always in our history, reading is among our greatest freedoms. The freedom to read and write is almost the only means for making generally available ideas or manners of expression that can initially command only a small audience. The written word is the natural medium for the new idea and the untried voice from which come the original contributions to social growth. It is essential to the extended discussion that serious thought requires, and to the accumulation of knowledge and ideas into organized collections.

We believe that free communication is essential to the preservation of a free society and a creative culture. We believe that these pressures toward conformity present the danger of limiting the range and variety of inquiry and expression on which our democracy and our culture depend. We believe that every American community must jealously guard the freedom to publish and to circulate, in order to preserve its own freedom to read. We believe that publishers and librarians have a profound responsibility to give validity to that freedom to read by making it possible for the readers to choose freely from a variety of offerings. The freedom to read is guaranteed by the Constitution. Those with faith in free people will stand firm on these constitutional guarantees of essential rights and will exercise the responsibilities that accompany these rights.

We therefore affirm these propositions:

1. *It is in the public interest for publishers and librarians to make available the widest diversity of views and expressions, including those that are unorthodox, unpopular, or considered dangerous by the majority.*

Creative thought is by definition new, and what is new is different. The bearer of every new thought is a rebel until that idea is refined and tested. Totalitarian systems attempt to maintain themselves in power by the ruthless suppression of any concept that challenges the established orthodoxy. The power of a democratic system to adapt to change is vastly strengthened by the freedom of its citizens to choose widely from among conflicting opinions offered freely to them. To stifle every nonconformist idea at birth would mark the end of the democratic process. Furthermore, only through the constant activity of weighing and selecting can the democratic mind attain the strength demanded by times like these. We need to know not only what we believe but why we believe it.

2. *Publishers, librarians and booksellers do not need to endorse every idea or presentation they make available. It would conflict with the public interest for them to establish their own political, moral, or aesthetic views as a standard for determining what should be published or circulated.*

Publishers and librarians serve the educational process by helping to make available knowledge and ideas required for the growth of the mind and the increase of learning. They do not foster education by imposing as mentors the patterns of their own thought. The people should have the freedom to read and consider a broader range of ideas than those that may be held by any single librarian or publisher or government or church. It is wrong that what one can read should be confined to what another thinks proper.

3. *It is contrary to the public interest for publishers or librarians to bar access to writings on the basis of the personal history or political affiliations of the author.*

No art or literature can flourish if it is to be measured by the political views or private lives of its creators. No society of free people can flourish that draws up lists of writers to whom it will not listen, whatever they may have to say.

4. *There is no place in our society for efforts to coerce the taste of others, to confine adults to the reading matter deemed suitable for adolescents, or to inhibit the efforts of writers to achieve artistic expression.*

To some, much of modern expression is shocking. But is not much of life itself shocking? We cut off literature at the source if we prevent writers from dealing with the stuff of life. Parents and teachers have a responsibility to prepare the young to meet the diversity of experiences in life to which they will be exposed, as they have a responsibility to help them learn to think critically for themselves. These are affirmative responsibilities, not to be discharged simply by preventing them from reading works for which they are not yet prepared. In these matters values differ, and values cannot be legislated; nor can machinery be devised that will suit the demands of one group without limiting the freedom of others.

5. *It is not in the public interest to force a reader to accept the prejudgment of a label characterizing any expression or its author as subversive or dangerous.*

The ideal of labeling presupposes the existence of individuals or groups with wisdom to determine by authority what is good or bad for others. It presupposes that individuals must be directed in making up their minds about the ideas they examine. But Americans do not need others to do their thinking for them.

6. *It is the responsibility of publishers and librarians, as guardians of the people's freedom to read, to contest encroachments upon that freedom by individuals or groups seeking to impose their own standards or tastes upon the community at large; and by the government whenever it seeks to reduce or deny public access to public information..*

It is inevitable in the give and take of the democratic process that the political, the moral, or the aesthetic concepts of an individual or group will occasionally collide with those of another individual or group. In a free society individuals are free to determine for themselves what they wish to read, and each group is free to determine what it will recommend to its freely associated members. But no group has the right to take the law into its own hands, and to impose its own concept of politics or morality upon other members of a democratic society. Freedom is no freedom if it is accorded only to the accepted and the inoffensive. Further, democratic societies are more safe, free, and creative when the free flow of public information is not restricted by governmental prerogative or self-censorship.

7. *It is the responsibility of publishers and librarians to give full meaning to the freedom to read by providing books that enrich the quality and diversity of thought and expression. By the exercise of this affirmative responsibility, they can demonstrate that the answer to a "bad" book is a good one, the answer to a "bad" idea is a good one.*

The freedom to read is of little consequence when the reader cannot obtain matter fit for that reader's purpose. What is needed is not only the absence of restraint, but the positive provision of opportunity for the people to read the best that has been thought and said. Books are the major channel by which the intellectual inheritance is handed down, and the principle means of its testing and growth. The defense of the freedom to read requires of all publishers and librarians the utmost of their faculties, and deserves of all Americans the fullest of their support.

We state these propositions neither lightly nor as easy generalizations. We here stake out a lofty claim for the value of the written word. We do so because we believe that it is possessed of enormous variety and usefulness, worthy of cherishing and keeping free. We realize that the application of these propositions may mean the dissemination of ideas and manners of expression that are repugnant to many persons. We do not state these propositions in the comfortable belief that what people read is unimportant. We believe rather that what people read is deeply important; that ideas can be dangerous; but that the suppression of ideas is fatal to a democratic society. Freedom itself is a dangerous way of life, but it is ours.

This statement was originally issued in May of 1953 by the Westchester Conference of the American Library Association and the American Book Publishers Council, which in 1970 consolidated with the American Educational Publishers Institute to become the Association of American Publishers.

Adopted June 25, 1953; revised January 28, 1972, January 16, 1991, July 12, 2000, June 30, 2004, by the ALA Council and the AAP Freedom to Read Committee.

A Joint Statement by: American Library Association
Association of American Publishers

The Media Institute
National Coalition Against Censorship
National PTA
Parents, Families and Friends of Lesbians and Gays
People for the American Way
Student Press Law Center
The Thomas Jefferson Center for the Protection of Free Expression

Endorsed and reaffirmed by the Tigard Library Board, November 18, 2004.

Library Bill of Rights

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

- I. Books and other library resources should be provided for the interest, information and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background or views of those contributing to their creation.
- II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.
- III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.
- IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.
- V. A person's right to use a library should not be denied or abridged because of origin, age, background or views.
- VI. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

Adopted June 18, 1948.
Amended February 2, 1961, and January 23, 1980,
inclusion of "age" reaffirmed January 23, 1996,
by the ALA Council.

Endorsed and reaffirmed by the Tigard Library Board, September 9, 2004.

Library Borrowing Policy

Borrowing periods, limits, renewals and reserves

Borrowers must have a valid library card to check out materials. (A driver's license or other appropriate identification may be used on occasion if the card is forgotten, but should not be used as a permanent substitute for the actual library card.)

In order to provide for the efficient and equitable circulation of materials, the library sets the policies regarding length of loan for various materials; limits on the number of items that can be borrowed; renewals and reserves.

a. Equipment disclaimer

The library assumes no responsibility for damage caused to a borrower's audiovisual or computer equipment.

b. Length of loan

The Tigard Public Library sets the borrowing period for all materials borrowed and reserves the right to set limited loan periods for particular types of material. Tigard Library will honor borrowing periods set by other loaning libraries.

c. Limits

Limits may be placed on the number of items checked out per patron in order to give access to library materials to a greater number of patrons.

d. Renewals

Items may be renewed for up to two (2) renewal periods. Items that are on a waiting list for other patrons may not be renewed. Items may be renewed through the online catalog, by presenting them at the circulation desk, or by phone. Items long overdue are set to lost status and may not be renewed.

e. Holds (Reserves)

Patrons may have up to 50 hold requests. Tigard Public Library allows most circulating materials to be placed on reserve.

IV. Fines, fees and replacement charges

Library material is loaned without charge for a defined loan period. Material retained past the loan period is subject to overdue fines. Tigard Public Library

charges overdue fines in order to encourage library users to return materials for use by other patrons. Patrons are charged fines for material that is overdue, beginning the first day after the due date. Fines are not charged for days that the library is closed.

The charge for lost or damaged material is the replacement cost of the item plus the processing charge. The processing charge is intended to help offset the labor and materials cost involved with processing a replacement item. If a patron has paid for a lost Tigard Public Library item and recovers and returns the item in good condition within sixty days, he/she will be entitled to a refund for the price of the item, minus any other charges.

Charges are not assessed for minor damage or general wear and tear. Charges will be assessed for damage beyond normal use and that is obviously the patron's responsibility. This includes items that are marked, cut, wet, moldy, scribbled on, chewed, melted, have foreign materials on them, or missing parts that affect the use of the item.

Items that are damaged and need to be withdrawn from use will be charged the full price plus processing charges. Items that are damaged in a way that will shorten the useful life of the item but that can still be used will be charged up to one-half the price of the item.

Patron account charges must be paid within one year of assessment and remain below \$10.00 total in order to remain in good standing. Borrowing privileges for accounts that are not in good standing will be suspended until the charges are paid. Patron accounts with at least \$25 in fines or lost material charges may be turned over to a collection agency 49 days after the due date. Accounts referred to a collection agency will be assessed an additional fee to cover the agency cost.

Tigard Library charges overdue fines and processing fees according to the fine structure of Washington County Cooperative Library Services (WCCLS). These charges are detailed in *Borrowers Schedule of Charges*.

Adopted by the Tigard Library Board March 10, 2005.

INTERNET ACCEPTABLE USE POLICY

The Tigard Public Library offers public Internet access as part of its mission to provide resources that reflect the great diversity of interests and opinions in our community.

Internet use will be managed in a manner consistent with the Library Use Guidelines, which are posted in the Library. Failure to use the Internet stations appropriately and responsibly may result in revocation of Internet use privileges, Library privileges and/or criminal prosecution.

As with other library resources, providing access to electronic information does not imply sponsorship nor endorsement by the Library. The Library does not monitor and has no control over the information viewed through the Internet and cannot be responsible for its content. Users are encouraged to take advantage of the Internet and to exercise good judgment and discretion. The Internet offers access to many valuable sources of information, but not all sites are accurate, complete, or current. There are many sites that carry information that you may think controversial or inappropriate. It is left to each user to choose what is individually appropriate and, as with other Library materials, parents or legal guardians are responsible for their minor children's use of the Internet.

Privacy Protection:

Users should be aware that it is their responsibility to protect their privacy while using the Internet. Interactions involving personal information such as credit card numbers, home address and phone, etc. should be used with caution. Tigard Library and the City of Tigard are not responsible for sensitive or personal information transferred via the Internet on Library computers.

Adopted by the Tigard Library Board November 18, 2004.

STUDY ROOM USE POLICY

The Tigard Public Library provides three study rooms for use by individuals and community non-profit groups. When not in use for library activities, the rooms are available under the following guidelines approved by the Library Board, and the general Library Use Guidelines. The Library Board neither approves nor disapproves of content, topics, subject matter, or points of view of individuals or groups using the study rooms.

Rules

- The rooms are available for non-profit, educational, or cultural groups of up to six persons, or for individuals who wish to study.
- Rooms are available on a first-come, first-served basis.
- The rooms are available during the hours the library is open. Use of the rooms must end at least 15 minutes prior to the library closing.
- Activities in the rooms must not be disruptive to others in the building.
- Activities occurring in rooms must not violate any City of Tigard ordinances or state statutes.
- Rooms and furnishings must be left in their original condition.

Reservation Procedures

- Rooms must be reserved by sign-up at the main Reference Desk. Sign-ups may be done in person or by telephone.
- Rooms may be reserved up to one week in advance.
- Identification such as a Student I.D. card, Library Card or valid Oregon Driver's License or Oregon State I.D. card is required for reservation of a Study Room. The card will be held during the use of the Room.
- Maximum reservation time for groups or individuals is two hours a day.
- Reservations will be held for up to 15 minutes after the reservation beginning time.

- Users must check-in at the Reference Desk before using a room. Rooms are kept locked when not in use and can be opened only by library staff.
- In order for users to retrieve their identification, they will be asked to sign-out at the Reference Desk when they have finished using a Study Room.

City Liability

All groups or individuals using the Library study rooms agree to take appropriate measures to protect, indemnify, and defend the City, its elected and appointed officials, and all employees against any and all claims as a result of persons attending any function at the facility. This provision includes any expenses incurred by the City defending any such claim. The City, its elected and appointed officials, and all employees will not be held responsible for any lost or stolen articles as a result of persons attending any function in the building.

User Liability

The City recognizes that a certain amount of wear will occur to the study rooms over the course of normal use. However, in the event the above maintenance guidelines are violated, the user will be liable for the following charges:

1. Repair or replacement of equipment or facilities damaged due to neglect, vandalism or misuse.
2. Cleaning expenses incurred to clean up the room if not left in the same condition as found.

Adopted by the Tigard Library Board March 10, 2005.

Agenda Item No. 4.4
For Agenda of March 22, 2005

Item 4.4

Approve Interim City Manager Contract

Packet Material will be submitted to Council in the Friday mail, March 18, 2005.

AGENDA ITEM # 4.5
FOR AGENDA OF March 22, 2005

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Relinquishment of public sewer easements at Tigard Market Place
PREPARED BY: MS/BB Greg N. Berry DEPT HEAD OK apDuenas CITY MGR OK CP

ISSUE BEFORE THE COUNCIL

Should City Council approve the requested relinquishment of public sewer easements?

STAFF RECOMMENDATION

That City Council, by motion, approve the relinquishment of easements and authorize the City Manager to sign the attached "Relinquishment of Easement" (Attachments 3 & 4) for each of two requested relinquishments.

INFORMATION SUMMARY

The owner of Tigard Market Place, 13500 SW Pacific Highway, has requested the City to relinquish a portion of a public sewer easement and the entirety of a second easement. The first request is to relinquish a small portion of an easement designated as "22" to avoid a building encroachment into the easement. The second request is to relinquish an easement designated "6" in the request. Public facilities are no longer in this easement.

For the easements in this particular situation, City Council approval is sufficient to relinquish interest. Staff has reviewed the request and has found that the City has no further interest in the easements proposed to be relinquished and recommends approval of the request.

OTHER ALTERNATIVES CONSIDERED

None

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

None

ATTACHMENT LIST

- Attachment 1: Applicant's Request (4 pages)
- Attachment 2: Relinquishment of Easement
 - Attachment 2.1: Easement Agreement (No. 22); Doc. No. 2003-158757 (3 pages)
 - Attachment 2.2: Exhibit A
- Attachment 3: Relinquishment of Easement
 - Attachment 3.1: Easement Agreement (No. 6); Book 617, Pages 598-9 (2 pages)
 - Attachment 3.2: Exhibit B

FISCAL NOTES

The easements requested to be relinquished were conveyed to the City at no cost as a conditional of approval for a previous development and have no current value.

The applicant has paid the Vacation Request deposit of \$1,790. Because this is a relinquishment of an easement rather than an easement vacation, the actual current cost of processing the request, \$350, is substantially less than the fee expected for a vacation easement. The difference, \$1,440, will be returned to the applicant if there are no additional charges.

Copies to:	Other:
Mayor <input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilors <input checked="" type="checkbox"/>	<input type="checkbox"/>
City Manager <input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Mail <input type="checkbox"/>	<input type="checkbox"/>
Mayor's Calendar <input type="checkbox"/>	<input type="checkbox"/>

MICHAEL G. MAGNUS, P.C.
Park Plaza West, Suite 450
10700 SW Beaverton-Hillsdale Highway
Beaverton, Oregon 97005
TELEPHONE
(503) 641-7468
FACSIMILE
(503) 646-3339
E-Mail
mgm@magnusbarg.com

Michael G. Magnus
(Oregon, California and Washington Bars)

RECEIVED C.O.T.

NOV 19 2004

Administration

November 18, 2004

City Council
City of Tigard
13125 SW Hall Blvd.
Tigard, OR 97223

Re: Vacation of Sewer Easements - Tigard Marketplace

Dear Council Members:

I represent 13500 Pacific Corp., a Michigan corporation, the owner of Tigard Marketplace, 13500 SW Pacific Highway. I discussed with Greg Berry, Engineer for the City, that my client wishes to vacate one easement in its entirety, and a portion of another easement which are located under Tigard Marketplace. Mr. Berry told me that my client needs to apply for the vacation to the City Council. This letter constitutes such application. My client's check of \$1,790 for the application fee is enclosed.

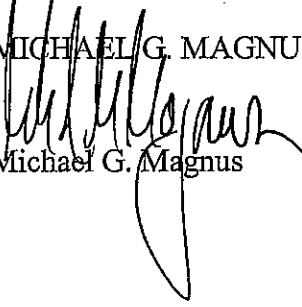
I enclose a survey excerpt of the Tigard Marketplace. I have marked in "red" and in "yellow" the areas which my client asks the City to vacate. When the Haggen Store was constructed, the sewer line in the area that is designated 6 was abandoned, i.e. it is no longer in use. The area designated "B" is a small area under the Haggen Store which is not being used for the existing pipe. I am enclosing a copy of the easement document which is marked number "6" and I am enclosing the easement that is designated "22" which was granted by my client to the City of Tigard during the construction of the Haggen Store. This latter easement is being used.

City Council
November 18, 2004
Page 2

Please advise if you need further information. Otherwise, please commence the process to vacate easement number 6 and part of easement number 22. Please provide me with a schedule of any hearings about vacation of the easements. Thank you.

Very truly yours,

MICHAEL G. MAGNUS, P.C.


Michael G. Magnus

MGM:dt

Enclosures

cc: Mr. Cap Berri
Mr. Matt Byron
Logan Davidson, Esq.
Mr. Greg Berry

504\011 city council ltr easement vacation

NOTICE OF INTENT TO FILE VACATION PETITION

Petitioner or Representative: Michael G. Magnus, Esq.
for 13500 Pacific Corp.

Address: 10700 SW Beaverton-Hillsdale Hwy #450,

Beaverton Oregon 97005

Phone: 503-641-7468

Legal Description of Area to be Vacated:

See Exhibit "A" and "B" attached hereto

Deposit Amount: \$1,790.00 (Payment and refund shall be as provided in the Deposit Agreement)

Submittal Requirements:

1. Completed "Notice of Intent to File Vacation Petition"
2. Deposit in the amount of \$1,790.00
3. Signed "Notice of Intent to File Vacation Petition Fee Agreement"
4. Letter requesting that Council initiate vacation proceedings including a detailed description of the area to be vacated and reason for the vacation request.
5. Map of the area to be vacated prepared by a professional engineering firm.
6. Legal description of the area to be vacated prepared by a professional surveyor.

AFTER RECORDING RETURN TO

City of Tigard
City Records Division
13125 SW Hall Blvd
Tigard, OR 97223

RELINQUISHMENT OF EASEMENT

The CITY OF TIGARD, OREGON, a municipal corporation duly organized and existing under the laws of the State of Oregon, hereinafter called CITY, hereby releases any and all interest in a portion of an easement, situated in Washington County, Oregon, conveyed to CITY by Document No. 2003-158757, Washington County, Oregon.

CITY no longer has a need for a portion of the easement described above; said portion is described in Exhibit "A", attached hereto and incorporated herein by this reference.

Dated this _____ day of _____, 2005 .

CITY OF TIGARD, OREGON

By: _____
City Manager

STATE OF OREGON)

County of Washington)

On _____, 2005 personally appeared before me, who, being duly sworn, did say that he is the City Manager of the City of Tigard, Oregon, and that said instrument was signed on behalf of said City by authority of its Council; and he acknowledged said instrument to be the City voluntary act and deed.

NOTARY PUBLIC OF OREGON

My Commission Expires: _____

RETURN RECORDED DOCUMENT TO:
CITY HALL RECORDS DEPARTMENT,
CITY OF TIGARD
13125 SW Hall Blvd.
Tigard, OR 97223

CORPORATE

File No. SDR 2000-00005

RECEIVED

JUL 21 2003

ELLION ASSOCIATES, INC

EASEMENT
PERMANENT STORM SEWER

Washington County, Oregon 2003-158757
08/18/2003 09:37:20 AM
D-E Cnt=1 Bnt=13 1 MESA
\$15.00 \$6.00 \$11.00 - Total = \$32.00



00440647200301587570030033

I, Jerry Hansen, Director of Assessment and Taxation
and Ex-Officio County Clerk for Washington County,
Oregon, do hereby certify that the within instrument of
writing was received and recorded in the book of
records of said county. Jerry Hansen
Jerry R. Hansen, Director of Assessment and Taxation,
Ex-Officio County Clerk.



Space above reserved for Washington County Recording Information

13500 Pacific Corporation hereinafter called the Grantors,
grant and convey unto the City of Tigard a perpetual easement for constructing, reconstructing, operating, maintaining,
inspecting, and repairing of an underground storm drainage line and appurtenances, together with the right to remove, as
necessary, vegetation, foliage, trees, and other obstructions on the parcel of land described in Exhibit "B", situated in the City
of Tigard, Washington County, State of Oregon.

THE TRUE CONSIDERATION for this conveyance is \$ 0.00. However, the actual consideration consists of or includes
other property or value given or promised which is the whole consideration.

IT IS EXPRESSLY UNDERSTOOD that this easement does not convey any right, title, or interest except those expressly
stated in this easement, nor otherwise prevent Grantors from the full use and dominion thereover; provided, however, that
such use shall not interfere with the uses and purposes of the intent of the easement.

IN CONSIDERATION of the premises, Grantee agrees that if said Grantee, its successors or assigns should cause said
easement to be vacated, the right of the Grantee in the above-described easement will be forfeited and shall immediately
revert to the Grantors, their successors, and assigns in the case of such event.

TO HAVE AND TO HOLD the above-described and granted premises unto said Grantee, its successors, and assigns forever.

IN WITNESS WHEREOF, I hereunto set my hand on this 1st day of July, 2003.

13500 Pacific Corporation
Name of Corporation
400 CAP Advisors 21500 Haggerty Rd
Address
Northville MI 48167
Signature
Title
Regional Asset Mgr.

Michigan
STATE OF OREGON)
Oakland) ss.
County of Washington)

This instrument was acknowledged before me on 7/11/03 (date) by Richard M. Mazer,
Regional Asset Manager (name(s) of person(s) as
(type of authority, e.g., officer, trustee, etc.)
of 13500 Pacific Corp., CAP Advisors (name of party on behalf of whom instrument was executed).

KATHLEEN J BURT
NOTARY PUBLIC STATE OF MICHIGAN
OAKLAND COUNTY
MY COMMISSION EXP. DEC. 13, 2006

Notary's Signature

My Commission Expires: 12/31/06

Accepted on behalf of the City of Tigard this 8th day of August, 2003.

NO CHANGE IN TAX STATEMENT

City Engineer



November 15, 2001

Exhibit "B"

Tigard Marketplace – Storm Easement

A strip of land 20.00 feet in width, situated in the SW ¼ of Section 2, T.2S., R.1W., W.M., City of Tigard, Washington County, Oregon, lying 10.00 feet on each side of the following described centerline:

Beginning at a point on the southwesterly line of that tract of land described by deed to 13500 Pacific Corp., a Michigan Corp., recorded in document No. 91-001296, Washington County deed records that is North 53° 40' 27" West 181.11 feet from the most southerly corner of said Pacific Corp. tract;
Thence North 5° 51' 52" West 56.03 feet to the true point of beginning of the herein described centerline;
Thence North 54° 46' 11" West 51.22 feet to a point;
Thence North 38° 49' 16" East 54.89 feet to a point and the terminus of said centerline.

The sidelines of said 20-foot wide easement strip are subject to lengthening and / or shortening so as to terminate upon the proper boundaries.

Courses in above description are derived from said Fee No. 87055037, Washington County Records.

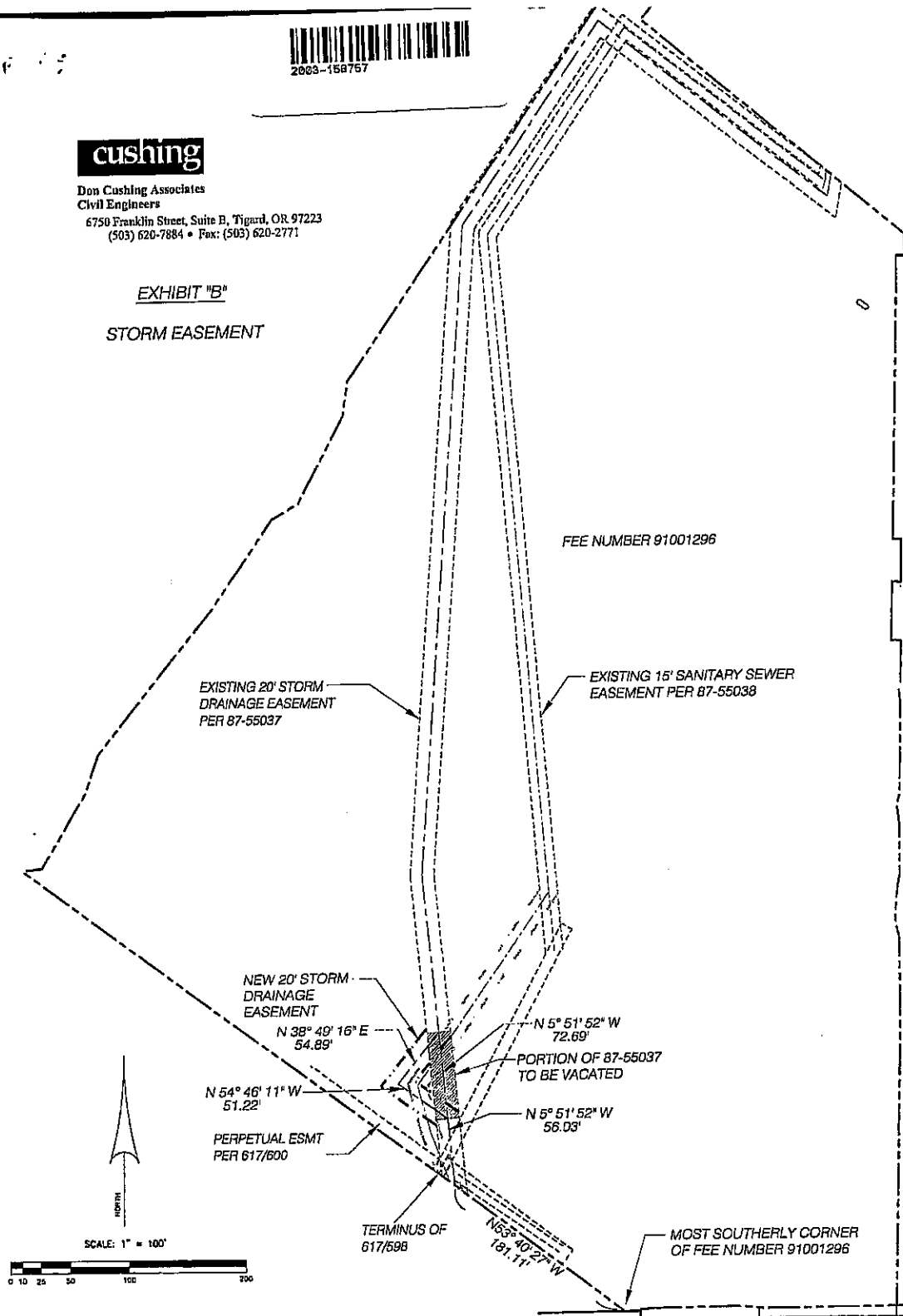


cushing

Don Cushing Associates
Civil Engineers
6750 Franklin Street, Suite B, Tigard, OR 97223
(503) 620-7884 • Fax: (503) 620-2771

EXHIBIT "B"

STORM EASEMENT



THAT PORTION OF THE GEORGE RICHARDSON DONATION LAND CLAIM NO. 38, SITUATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 2, TOWNSHIP 2 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, IN THE CITY OF TIGARD, COUNTY OF WASHINGTON, STATE OF OREGON, MORE PARTICULARLY, BEING A PORTION OF THAT CERTAIN PARCEL DESCRIBED IN THE DEED TO "13500 PACIFIC CORP., A MICHIGAN CORP.", RECORDED IN DOCUMENT NO. 91-001296, WASHINGTON COUNTY DEED RECORDS, OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY CORNER OF SAID "PACIFIC CORP." TRACT; THENCE ALONG THE FIRST TWO COURSES DESCRIBED IN STORM SEWER EASEMENT RECORDED IN DOCUMENT NO. 2003-158757, WASHINGTON COUNTY RECORDS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

- 1) NORTH 53°40'27" WEST ALONG THE SOUTHWESTERLY LINE OF SAID "PACIFIC CORP." TRACT, 181.11 FEET;
- 2) NORTH 5°51'52" WEST, 56.03 FEET ;

THENCE NORTH 35°13'49" EAST, 10.00 FEET TO THE NORTHEASTERLY LINE OF SAID STORM SEWER EASEMENT AND THE **TRUE POINT OF BEGINNING** OF THIS DESCRIPTION; THENCE NORTH 54°46'11" WEST ALONG SAID NORTHEASTERLY EASEMENT LINE, 19.84 FEET; THENCE SOUTH 35°13'49" WEST, 3.00 FEET; THENCE SOUTH 54°46'11" EAST PARALLEL WITH SAID NORTHEASTERLY EASEMENT LINE, 27.00 FEET TO THE EASTERLY LINE OF A 20 FOOT STORM EASEMENT AS DESCRIBED IN DOCUMENT NO. 87-55037, WASHINGTON COUNTY RECORDS; THENCE NORTH 5°51'52" WEST ALONG SAID EASTERLY LINE, 3.98 FEET TO SAID NORTHEASTERLY EASEMENT LINE; THENCE NORTH 54°46'11" WEST ALONG SAID NORTHEASTERLY LINE, 4.55 FEET MORE OR LESS TO THE **TRUE POINT OF BEGINNING** OF THIS DESCRIPTION.

AFTER RECORDING RETURN TO

City of Tigard
City Records Division
13125 SW Hall Blvd
Tigard, OR 97223

RELINQUISHMENT OF EASEMENT

The CITY OF TIGARD, OREGON, a municipal corporation duly organized and existing under the laws of the State of Oregon, hereinafter called CITY, hereby releases any and all interest in an easement, situated in Washington County, Oregon, conveyed to CITY and described in Book 617, Page 598, Deed Records, Washington County, Oregon.

CITY no longer has a need for the easement described above, and in Exhibit "B", attached hereto and incorporated herein by this reference.

Dated this _____ day of _____, 2005 .

CITY OF TIGARD, OREGON

By: _____
City Manager

STATE OF OREGON)

County of Washington)

On _____, 2005 personally appeared before me, who, being duly sworn, did say that he is the City Manager of the City of Tigard, Oregon, and that said instrument was signed on behalf of said City by authority of its Council; and he acknowledged said instrument to be the City voluntary act and deed.

NOTARY PUBLIC OF OREGON

My Commission Expires: _____

8334

Number: 13

Deed Reference: 13 133 1 1335

KNOW ALL MEN BY THESE PRESENTS: That we of

Charles E. Stearns and Alice Irene Stearns, Husband and Wife

480.00

hereinafter termed grantor(s), in consideration of the sum of \$480.00 to be paid by CITY OF TIGARD, a municipal corporation of Oregon, hereinafter termed the City, hereby grant, bargain, sell and convey unto the CITY OF TIGARD a perpetual right-of-way and easement as hereinafter described, together with a temporary right-of-way and easement to use an additional area hereinafter described and designated temporary easement, for the following uses and purposes:

1. Perpetual easement:

An unencumbered perpetual right-of-way and easement for the purpose of constructing, reconstructing, operating, maintaining, inspecting and repairing of an underground sewer line and appurtenances, together with the right to remove, as necessary, vegetation, foliage, trees and other obstructions within the easement area, but reserving to the grantors the title to the lands, subject to the easement, and the right to make such use thereof, except to construct buildings.

as will not interfere with the uses and purposes of the easement; said easement area being 5.0 feet on each side, when measured at right angles, of the following described center line within the following designated premises:

A ten (10.0) foot wide strip of land being: five (5.0) feet on each side of a line beginning at a point on the northerly line of that tract of land described in Book 138, Page 433, Deed Records, Washington County, Oregon, said point being easterly three hundred forty-seven (347.0) feet from the Northeast corner of said tract; thence southerly to a point on the Southwesterly line of said tract, said point being westerly one hundred ninety-nine (199.0) feet from the most southerly west corner of said tract.

#6 on survey

2. Temporary easement:

Together with the temporary right of ingress, egress and regress, and use for sewer construction

purposes, of additional lands lying parallel to, along both sides and within 10.0 feet, when measured at right angles, of the above described perpetual easement area, excepting and reserving to grantors the unencumbered enjoyment, use and preservation of all structures present upon the premises. This temporary easement shall terminate upon completion of the sewer construction work, at which time, upon request of the owner, the City will issue a written release thereof.

3.00

8334

Should it be necessary to cut and remove any brush, trees, or other matter or materials from the easement area, said brush, trees, or other matter and materials shall be removed and disposed of by the City and the City shall leave the easement area in a neat and workmanlike condition. The City agrees that in connection with its use of the perpetual easement area and in inspecting, repairing, maintaining, or replacing said sewer line, the City will leave the premises in a neat and workmanlike condition and as nearly in the pre-existing state as practicable.

The grantors do hereby warrant that they are the owners in fee simple and have the right to grant the above described easements.

Witness our hands and seals this 29th day of September 19 66

Charles H. Stearns (SEAL) _____ (SEAL)
Alda Irene Stearns (SEAL) _____ (SEAL)

_____ (SEAL) _____ (SEAL)

For a consideration, the mortgage lien on the above described properties is hereby made subordinate to the easements above granted.

Dated this _____ day of _____, 19 _____

_____ Mortgagee

By _____

_____ Title

STATE OF OREGON,
County of Washington }

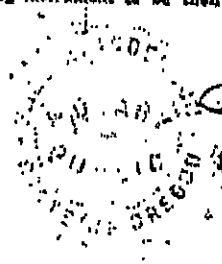
On this 29th day of September 19 66 personally appeared the above named

Charles H. Stearns and Alda Irene Stearns

and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:

Notary Public for Oregon
My Commission expires: Feb. 7, 1968



BOOK 617 PAGE 599

Filed for record Oct 7 1966 at 4:15 P.M.
ROGER THOMSEN, Inspector of Records & Elections
By _____ Deputy

**LEGAL DESCRIPTION
EASEMENT TO BE VACATED**

A ten (10.0) foot wide strip of land being five (5.0) feet on each side of a line beginning at a point on the Northerly Line of that tract of land described in Book 338, Page 435, Deed Records, Washington County, Oregon, said point being Westerly three hundred forty-seven (347.0) feet from the Northeast corner of said tract; thence Southerly to a point on the Southwesterly line of said tract, said point being Westerly one hundred ninety-nine (199.0) feet from the most Southerly West corner of said tract.

504\012 legal descp vacated easement

AGENDA ITEM # _____
FOR AGENDA OF March 22, 2005

CITY OF TIGARD, OREGON
LOCAL CONTRACT REVIEW BOARD (LCRB) AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Award of contract for City-wide janitorial services to Wellspring Services

PREPARED BY: Dan Plaza, x2590 DEPT HEAD OK DKK CITY MGR OK CP

ISSUE BEFORE THE LOCAL CONTRACT REVIEW BOARD

Shall the Local Contract Review Board (LCRB) award a contract for City-wide janitorial services to Wellspring Services?

STAFF RECOMMENDATION

Staff recommends that the LCRB award the contract for City-wide janitorial services to Wellspring Services and authorize staff to finalize the contract with the vendor.

INFORMATION SUMMARY

In 1977, the Oregon legislature passed the "Products of Disabled Individuals" Act (ORS 279.835 to ORS 279.855). This law obligates all state and local governments, school districts, and other tax-supported political bodies in Oregon to purchase goods and services from Qualified Rehabilitation Facilities (QRFs) when the product or service meets their requirements. A QRF is a non-profit organization that puts Oregonians with disabilities to work. The mission of a QRF is to help disabled people achieve self-confidence and self-sufficiency by working in the community in which they live and becoming productive citizens. It is "qualified" because its programs are registered and reviewed on a regular basis by various state and federal agencies such as the Oregon Department of Human Services (DHS), Oregon Department of Administrative Services (DAS) and the National Industries for the Severely Handicapped (NISH).

One of the services that is provided by a number of QRF vendors is janitorial/custodial services. The City initially contracted with another QRF provider to provide janitorial services. It became apparent in the initial stages of the contract that the previous provider was not providing janitorial services at the appropriate levels required by the City. After many attempts to try to resolve the problems, staff determined that it was in the best interest of the City to terminate the contract with the previous provider.

Staff has been in negotiations with a new janitorial service provider, Wellspring Services, to meet the City's needs. Wellspring has been able to meet the City's budget requirements for janitorial services. This price determination has been approved by the State Department of Administrative Services, as required by law in contracts between government agencies and QRFs. The City has contracted with Wellspring for interim janitorial services since January 6, 2005, and is pleased with their service level to date. Staff is recommending the award of a one-year contract with Wellspring Services, with four additional one-year options.

OTHER ALTERNATIVES CONSIDERED

1. Do not approve the purchase of janitorial services from Wellspring Services.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

None.

ATTACHMENT LIST

1. Memorandum, dated 2/17/05, to Craig Prosser, Interim City Manager

FISCAL NOTES

The annual cost of the City-wide services is estimated to be \$180,000. The total expense of the contract, if all option years are exercised, will be approximately to be \$900,000.

**MEMORANDUM
CITY OF TIGARD, OREGON**

DATE: February 17, 2005
TO: Craig Prosser, Interim City Manager
FROM: Dan Plaza, Parks and Buildings Manager
RE: New Janitorial Contract

As you know, the City terminated its contract with our initial QRF provider, which was a Qualified Rehabilitative Facility (QRF) that was providing janitorial service to the City. The contract was terminated because they failed to provide acceptable levels of cleanliness and their personnel were having great difficulty in learning the standards and procedures the City expected. I believe the biggest problem with the initial provider was their inability to manage the contract. After many months on the job, the learning curve remained as steep as when they began, and complaints from Staff continued to be received regarding the same issues day after day.

Effective January 6, 2005, the City retained a new contractor, also a QRF, to perform janitorial services for the City on a 30-day contract. State law requires the City to exhaust all possible QRFs before employing a private sector contractor for certain services, including janitorial maintenance. The new contractor, Wellspring Services, appears to be more professional. They service the Multnomah County Courthouse, and are reported to be doing a very good job there. Wellspring Services was the high bidder during the City of Tigard's initial RFP process. When contacted by the City, Wellspring Services agreed to enter into a contract with the City at the same price we agreed to pay the previous provider (\$180,000 per year for five years), hence there is no negative impact on the City either cost wise or service wise.

One Building Maintenance Technician was assigned to work with Wellspring Services for the first two weeks of the contract. They also spent the first week or two focused on a rapid upgrade of our facilities to the cleanliness standards we set by doing some extra deep cleaning work. This will make the Library immediately more presentable to the public and will allow us to achieve the standard we aspire to in a shorter period of time. Although we continue to receive complaints from different staff members at different buildings the number of complaints has decreased.

If you have any questions about this transition, please let me know.

C: Jaime Dumdi, Management Analyst
Brian Rager, Assistant Public Works Director
Dennis Koellermeier, Public Works Director

Agenda Item No. 5
For Agenda of March 22, 2005

Item 5

Recognition of Northwest Medical Teams for Tsunami Relief in Southeast Asia

Packet Material will be submitted to Council in the Friday mail, March 18, 2005.

AGENDA ITEM # _____
FOR AGENDA OF March 22, 2005

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Indonesian Resource Cities Exchange Report

PREPARED BY: Dennis Koellermeier DEPT HEAD OK DKK CITY MGR OK cl

ISSUE BEFORE THE COUNCIL

This presentation is informational only; no Council action is required at this time.

STAFF RECOMMENDATION

Accept the report.

INFORMATION SUMMARY

Tigard Public Works Director, Dennis Koellermeier, Tom Vanderplatt, Water Resources Manager for Clean Water Services, and David Leibbrandt, Senior Vice President with Murray Smith and Associates, recently completed the second trip of a Tigard delegation to Indonesia. Dennis, David and Tom traveled to Samarinda and Balikpapan and worked with local officials to develop work plans and action steps to assist those cities in improving their domestic water supply. A delegation from those two cities currently is scheduled to come to Tigard, April 11-15, 2005. Dennis, David and Tom will make a presentation regarding the program and their trip and answer any questions.

OTHER ALTERNATIVES CONSIDERED

Not applicable

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

None

FISCAL NOTES

Costs for this program are paid by USAID.

AGENDA ITEM # _____
FOR AGENDA OF March 22, 2005

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Natural Resources Protection Program Discussion and Goal 5 update

PREPARED BY: Julia Hajduk DEPT HEAD OK [Signature] CITY MGR OK CR

ISSUE BEFORE THE COUNCIL

Review and provide input on the proposed work plan for the Natural Resources Protection Program and discuss how the current Tualatin Basin (Washington County) and Metro Goal 5 programs relate to Tigard's Natural Resources Protection Program.

STAFF RECOMMENDATION

Review proposed program and provide input on the program and program goals.

INFORMATION SUMMARY

One of Council's 2005 goals is to address growth in several ways, including the identification and acquisition of parks and open spaces. This goal is one part of a larger context – the protection of natural resources in Tigard. At the March 22nd Council meeting, staff will

- Discuss the policy context for Council's goal,
- Provide a brief update on the Tualatin Basin Goal 5 effort and how it folds into Tigard's program,
- Discuss the proposed work plan for a Natural Resources Protection Program that will incorporate the Council goal, and
- Ask for direction on the program and program goals.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Growth and Growth Management Goal #1 "Growth is accommodated while protecting the character and livability of new and established areas while providing for natural environment and open space throughout the community."

Urban and Public Services, Parks and Greenways Goal #2 "Open space and Greenway areas are preserved and protected."

ATTACHMENT LIST

None

FISCAL NOTES

N/A

AGENDA ITEM # _____
FOR AGENDA OF March 22, 2005

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Annual Review of the Community Assessment (CAP) Program

PREPARED BY: Elizabeth A. Newton W DEPT HEAD OK W CITY MGR OK W

ISSUE BEFORE THE COUNCIL

A presentation on activities, successes, concerns and recommended changes for the Community Assessment Program (CAP).

STAFF RECOMMENDATION

Information item. No action necessary, however, Council may want to provide direction.

INFORMATION SUMMARY

In May 2003, staff presented an introduction to the Community Assessment (CAP) program to the City Council. Council may remember that the program is intended to bring work groups of City employees across department lines into teams that visit each neighborhood once a year so the neighborhood is the focus of an information gathering and issue identification effort. On most Wednesday afternoons for the last two years, a team of employees has gone out to one of 45 neighborhoods to conduct the area assessment. The primary focus in 2004 was to compare the issues reported in 2003 and in 2004 to see how many repeat issues were reported.

In most cases, very few issues were repeated. Tracking the number of repeat issues allowed staff to evaluate the effectiveness of the follow-up action - whether that was by general education or direct contact with a specific property owner.

There are several by-products of the program. One is the collaborative effort of City staff representing different departments. Second is an improved connection to the community. Third is the identification and delineation of where the City is responsible for action, where private citizens are responsible, and where we can work together to improve the community. Lastly, is the ability to bring volunteer efforts together to address many issues.

In 2005 staff intends to focus on improving the connection to the active community. In 2004 staff began mailing cards (copy attached) to volunteers two weeks in advance of the CAP walk in their area and including the upcoming schedule in the Community Connector communication. In one case, a couple joined the CAP team for the entire walk. During many walks, staff encounters citizens who have questions or raise issues.

As part of the expanded neighborhood program, staff will propose that each neighborhood have a CAP liaison. This person would review the assessment reports and serve as a link between the neighborhood and the City to address issues identified through the assessments.

In 2005 staff will also evaluate the format of the CAP citizen reports to ensure ease of access on the web and highlight the status of follow-up.

The presentation this evening will include a summary of comparisons between 2003 and 2004, successes and concerns, and an overview of the recommended changes for 2005.

OTHER ALTERNATIVES CONSIDERED

Suggest modifications to the program.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Community Character and Quality of Life Goal #1, Strategy #1: "Improve communication about all aspects of the City's business."

ATTACHMENT LIST

CAP Mailing

FISCAL NOTES



Community Assessment Program (CAP)

A Community Assessment Program Team will be walking in your neighborhood the afternoon of 3/9/05.

The CAP is a collaborative effort to increase awareness of the community's assets and needs and connect employees with citizens at a neighborhood level and identify effective ways to improve our neighborhoods.

The City is divided into 45 areas. Teams of City Staff walk an area on Wednesday afternoon to evaluate neighborhood needs, opportunities, and note kudos! Follow-up is assigned as appropriate.

Questions? Contact Julia at 503-639-4171 ext. 2442 or Liz at 503-639-4171 ext. 2412. To learn more, log on to www.citigard.or.us



Community Assessment Program (CAP)

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The City is divided into 45 areas. Teams of City staff walk an area on Wednesday afternoon to evaluate neighborhood needs, opportunities, and note kudos! Follow-up is assigned as appropriate.

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SAMPLES OF POST CARDS:

(Top) Mailed to areas to be walked

(Bottom) CAP walkers can hand to citizens while on the walk.

Community Assessment Program Area 45 Report to the Community

The Community Assessment Program is intended to bring work groups of city employees across department lines into each neighborhood of the city so all neighborhoods are the focus of an information gathering and issue identification effort at least once a year.

Staff and two citizens from this area walked the area on October 27, 2004 to conduct a first hand assessment. Corrective actions have been scheduled, assignments made, follow-up is being documented, and this report has been prepared to the community on the area.

This area is bounded on the north by Taylors Ferry Road, on the east by 65th Avenue (Tigard City Limits), on the south by Ventura Drive (neighborhood route), and on the west by the boundary between Tigard and Metzger.

Below is a summary of the assessment of your area. Please note where the city or other agency will assume responsibility for follow-up and where private citizens are responsible. Volunteer opportunities are also identified where neighbors could get involved to address issues. Together, we can work to improve our community.

Kudos – The walkers were impressed with how well maintained the homes and yards were. Kudos to everyone in this area for doing such a great job of maintaining their homes and yards!

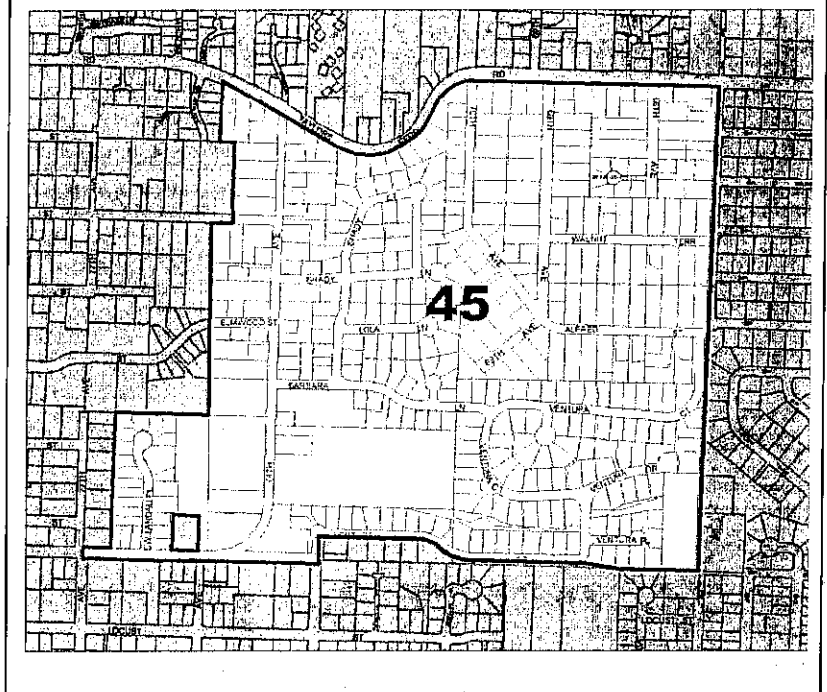
Trip Hazards on sidewalks –

Sidewalk maintenance is the property owner responsibility. There were several areas with cracks, settling, and overgrown vegetation that could pose a trip hazard and could be a potential liability for property owners. Please make sure that your sidewalk remains a safe place for pedestrians. Questions? Contact Christine Darnell, Code Compliance Specialist, at 503-639-4171 ext. 2441 or christine@ci.tigard.or.us.

Street maintenance – Several comments were received regarding needed street maintenance to fix potholes, cracks etc. The Public Works Department will assess each location and establish a priority for maintenance. Questions? Contact Howard Gregory at 503-639-4171 ext 2606 or howard@ci.tigard.or.us.

Basketball hoops in right-of-way – We found several instances where basketball hoops are on sidewalks or in the street which are in the public right-of-way. Did you know that basketball hoops aren't allowed in the public right-of-way? An article detailing the rules for placement of basketball hoops appeared in the May Cityscape. Contact Christine Darnell, Code Compliance Specialist, at 503-639-4171 ext. 2441 or christine@ci.tigard.or.us.

Map of Area 45



Addresses not visible – There are many homes in the area with addresses that are not visible. It's important that emergency responders find you if they need to. Make sure your home or business is well marked with address numbers that contrasts from the building color. Questions? Contact Jim Wolf, Police Public Information Officer, at 503-639-4171 ext. 2561 or 27047@ci.tigard.or.us

Outdoor storage of materials – Several examples were seen of outdoor storage of materials in the yard. Outdoor storage may have restrictions based on size, type and location. In addition, it may not block the sidewalk or street. Questions? Contact the Planning Permit Technicians at 639-4171 x 2424 or email them at kristie@ci.tigard.or.us or cherylc@ci.tigard.or.us

Catch basins without bike straps – Some of our older catch basins have grates with slots wide enough for a bike tire to fall if you're not careful. The PW Department needs your help to identify these older catch basins so that we can weld a flat metal bar across the grate to eliminate this hazard. (New style catch basin grates have been designed to eliminate this hazard.) If you notice a catch basin grate that needs a bike strap or for questions please contact Eric Hand at 503-639-4171 ext.2607, or eric@ci.tigard.or.us.

Abandoned Vehicles – The walkers noted a few potentially abandoned vehicles in the right of way. The Police Department has been asked to investigate. After investigation and determination that a vehicle is abandoned, the vehicle is posted and removed 7 days later. To report an abandoned vehicle or find out more information on how it is determined that a vehicle has been abandoned, please contact Jim Wolf, Police Public Information Officer, at 503-639-4171 ext. 2561 or 27047@ci.tigard.or.us

More ways you can help make our community better –

If you spot graffiti contact the police non-emergency number at 503-629-0111 to report the location. An officer will be dispatched to photograph the graffiti for the record and the property owner or public agency (if it is on a utility pole, box or transit stop) will be notified.

Neighborhood Watch - Are your neighbors watching out for you? Do you know your neighbors? Do you know how and when to call Tigard Police? Start a neighborhood watch program! At some point, your neighborhood may have had an active Neighborhood Watch program working in partnership with the Tigard Police. Over time, many Tigard neighborhoods have evolved with new residents moving in and others moving away. Maybe it is time to take another look at your neighborhood. For more information on how to take a bite out of crime in your neighborhood and at the same time get re-acquainted with your neighbors, contact the Tigard Police Crime Prevention Officer at 503-718-2561.

Help protect our streams - If you and your neighbors, church group or scout troop would like to help keep our streams clean, help out by volunteering to stencil storm drains. The "dump no waste, drains to stream" message reminds people not to dump soapy water, pesticides or other substances down the storm drains. If you are interested, contact Susan Koepping at 503-639-4171 x 2402 or susank@ci.tigard.or.us.

If you are interested in serving as a community connector for this area, please contact Liz Newton at 503-639-4171 ext. 2412 or liz@ci.tigard.or.us. The role of the community connector is a two way communicator of information as well as the neighborhood contact in times of emergency.

AGENDA ITEM # _____
FOR AGENDA OF March 22, 2005

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE UPDATE- DIRECTION ON REVISED CITY LOGO

PREPARED BY: Elizabeth A. Newton *uz* DEPT HEAD OK *JB for Crossen* CITY MGR OK *JB for Crossen*

ISSUE BEFORE THE COUNCIL

Provide direction on the design elements and process for a new City logo and sign program.

STAFF RECOMMENDATION

Review the information developed by Vision Task Force members and provide direction on the design elements and process for development of a new City logo and sign program.

INFORMATION SUMMARY

One of the 2005 Council Goals is Graphic Identity (branding) to include a new City logo, signage and letterhead. Members of the Vision Task Force met on February 24, 2005 to brainstorm ideas for themes and values. Their suggestions are listed in the attached memo. Staff is seeking direction from Council on the design elements and the process to select a designer.

OTHER ALTERNATIVES CONSIDERED

Modify or delay the process.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

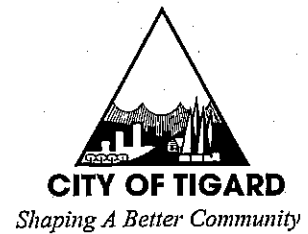
Memo from Liz Newton

FISCAL NOTES

It is estimated that development of the design by a graphic designer will cost approximately \$1,000.

MEMORANDUM

Administration



TO: Honorable Mayor and City Council

FROM: Liz Newton, Assistant to the City Manager

DATE: March 9, 2005

SUBJECT: **Update- Direction on Revised City Logo**

At the Council Goal Setting on January 24, 2005 Council discussed graphic identity (branding) to include signage, a new logo and stationary. Council directed staff to convene the Vision Task Force to brainstorm themes to incorporate into the design and present them to Council for consideration. Council consensus was to obtain the services of a professional designer to implement the concept rather than to develop proposals by committee.

On Thursday, February 24, 2005 eleven members of the Vision Task Force met to brainstorm ideas for themes and values that might be captured in a new City logo. Themes are items that can be presented graphically in a logo. Values are ideas that might be reflected in a slogan. The Vision Task Force members had the Executive Overview of the 2004 Community Survey Results as a resource for their discussion.

The Themes identified by the group were:

Trees
Trails, Tracks & Tributaries
Gateway to the Wine Country
Fanno Creek/Summer Creek
Trails Along the Creek
Creeks/Trails/Access
People/Young People
Train Station/Railway Crossing
Pioneer

Downtown Skyline
Washington Square
Cook Park
Mt. Hood view
Urban Village
Hot Air Balloons
More than 99W
Not cars or traffic

The list of Values included:

Family Friendly
Sense of Community
Gathering Place/Hometown
Natural Resource Protection
Safe and Clean
A Place to Call Home- Livability

Trails, Tracks & Tributaries
Generations, Longevity, Circle of Life
Care About the Community/People
Pride
Quality

The Task Force members also suggested signs be to scale.

Next Steps:

Staff is seeking Council direction on what themes and values Council would like to incorporate into a new logo and slogan. Once Council provides direction on the design elements, staff proposes to develop a letter inviting graphic designers to submit design ideas. The letter will request no more than 3 design concepts for a logo, letterhead, and sign program consisting of three sign types. Letters will be mailed to local area graphic designers and Council members are encouraged to submit names.

Once Council has provided direction on the design elements, staff will prepare the letter to designers.